

know whether the Senator knows of matters which have been within the cognizance of the State Department as long a time ago as a year. Of course I have no more right to speak for the State Department than any other Senator who is here.

Mr. FALL. Will the Senator pardon me?

Mr. BACON. Certainly.

Mr. FALL. Does the Senator mean to say the State Department has taken up diplomatically for the purpose of settling damages in the cases that he himself presented?

Mr. BACON. I do not. I am simply stating the fact that in what I have said I can not possibly be construed as occupying a position of indifference to the payment of these claims. I am calling attention to the fact that I have a personal interest in it; that is, I mean officially personal to myself only in so far as it relates to my immediate constituency.

I am in entire sympathy with the desire that these matters shall be brought to a head, and shall be brought to a head as speedily as possible. I entirely agree that the remitting of our citizens to the courts of Mexico is not the proper way in which to proceed, but we should deal directly with the Mexican Government upon such matters.

Mr. President, it is a very grave and a very difficult question. I will say to the Senator very frankly I do not wish matters presented in such a way as to precipitate this country into war. If the Senator wants to know whether I am in favor of invading Mexico with a couple hundred thousand men and precipitating this country into a war with Mexico for the purpose of enforcing the immediate payment of those claims, I will tell him no; I am not.

Mr. FALL. Will the Senator yield to me a moment?

Mr. BACON. Yes.

Mr. FALL. Does the Senator think for one moment that I have been occupying the time of the Senate simply talking about dollars and cents and insisting that we should go down to the City of Mexico with an army to collect dollars and cents? If the Senator has listened to what I have been saying, it seems to me that he can not entertain that idea; but if he does, if he thinks the purpose of my talk here this afternoon has been simply to express that somebody wants the American Army to secure dollars and cents there, then I want to disabuse the Senator's mind. That was not my intention.

Mr. BACON. I suppose, Mr. President, that the idea in the mind of the Senator was that there should be a moneyed compensation for damages which had been inflicted. If I did not understand him correctly there, then, of course, I misunderstood him.

Mr. FALL. Will the Senator permit me?

Mr. BACON. Yes.

Mr. FALL. If I intimated that an army should be sent into Mexico for any purpose I do not recall it. The Senator has stated that if I want to know whether he is willing to send an army down to Mexico to secure these damages he wanted me to understand he was not. I say with perfect and equal frankness to the Senator that if it becomes necessary to protect one American citizen in Mexico or anywhere else to send 200,000 men there to do it, I am in favor of sending American troops there to do it, not to collect a dollar, but to protect an American citizen, wherever he may be.

Mr. BACON. Of course those are all patriotic sentiments which appeal to all of us. We naturally want to protect American citizens, and we naturally want to bring to our consciousness the recognition of the great power of this Government and our ability to do it. Nevertheless, we, in our position of very grave responsibility, which involves the happiness and the peace and welfare of the entire country, have to proceed to accomplish results in a way which, while they may certainly accomplish them, will not accomplish them in a way to bring disaster and suffering and war, if you please, the greatest of all evils, upon this country. I do not think it is necessary that we should go to war in order to accomplish these ends. I do not believe the Senator from New Mexico thinks it necessary.

Mr. FALL. I have distinctly disavowed any such purpose.

Mr. BACON. All I am trying to present is that in the absence of compulsion, which is another word for war when applied to nations, we must proceed diplomatically; that we must proceed through diplomatic negotiations; that we must proceed in a way which will avoid those conflicts. While that course may necessarily entail very undesirable delays, nevertheless we must submit to delays in negotiations between countries unless we are prepared to lay down an ultimatum and back that ultimatum with force. That is all there is to it.

Now, I am in thorough accord with the desire of the Senator that the United States Government, through its State Department—and the Executive—which deals with these inter-

national matters, shall proceed with all due dispatch and that we shall do the best we can to secure for our citizens who have suffered, either in their persons or their property, in Mexico just compensation for those injuries. At the same time we must do so in a way not to bring a greater evil upon this country than has already been suffered by some of its citizens.

Mr. SMITH of Arizona. I ask unanimous consent for the passage of the joint resolution.

Mr. SMOOT. Mr. President, we have been in session now nearly seven hours and a half—

Mr. SMITH of Arizona. It will not take long, if the Senator grants the request.

Mr. SMOOT. There are very few Senators present now.

Mr. SMITH of Arizona. I know, but nobody objects to it.

Mr. SMOOT. I do not think there will be any objection to-morrow morning to unanimous consent.

Mr. SMITH of Arizona. It has to pass through the House, Senator.

Mr. SMOOT. It will not hasten it a particle to dispose of it to-day. There are only a few Senators here. I have no objection to the joint resolution. I am ready to vote for it myself right now.

Mr. SMITH of Arizona. So am I.

Mr. SMOOT. But I do think it would be unwise to vote upon a proposition so late in the evening, when there are only a few Senators here. I kindly ask the Senator to leave it until to-morrow morning. I move that the Senate adjourn.

The motion was agreed to; and (at 6 o'clock and 20 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, July 23, 1912, at 11 o'clock a. m.

## HOUSE OF REPRESENTATIVES.

MONDAY, July 22, 1912.

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Our Father in heaven, fill our minds and hearts with the strength and purity of the Holy Spirit, that we may walk worthy of the vocation whereunto Thou hast called us, and leave behind us a trail which others may follow with impunity and upon which we may look back with pardonable pride and feel the thrill of Thine approval. In the spirit of the Lord Jesus Christ we pray. Amen.

The Journal of the proceedings of yesterday was read and approved.

### IRRIGATION DITCH, ISLAND OF HAWAII.

Mr. HOUSTON. Mr. Speaker, I call from the Speaker's table the bill (H. R. 11628) authorizing John T. McCrosson and associates to construct an irrigation ditch on the island of Hawaii, Territory of Hawaii, with Senate amendment.

The SPEAKER. The Clerk will report the amendment.

The Senate amendment was read.

Mr. HOUSTON. Mr. Speaker, I move to agree to the Senate amendment.

The Senate amendment was agreed to.

### LEAVES OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. BELL of Georgia, indefinitely, on account of important business.

To Mr. BARNHART, indefinitely, on account of important business.

To Mr. NYE, indefinitely, on account of illness in family.

To Mr. HUGHES of Georgia, for one week, on account of illness.

To Mr. AINEX, for one week, on account of illness in family.

To Mr. THISTLEWOOD, for two weeks, on account of business engagements.

### ENROLLED BILL SIGNED.

Mr. CRAVENS, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title, when the Speaker signed the same:

H. R. 21477. An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

ENROLLED BILL PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. CRAVENS, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bill:

H. R. 19403. An act authorizing the Director of the Census to collect and publish statistics on cotton.

## LAWS RELATIVE TO SEAMEN.

Mr. ALEXANDER. Mr. Speaker, I desire to call up the bill H. R. 23673, under the rule adopted last Thursday, for further consideration.

The SPEAKER. The Clerk will report the bill.  
The Clerk read as follows:

A bill (H. R. 23673) to abolish the involuntary servitude imposed upon seamen in the merchant marine of the United States while in foreign ports and the involuntary servitude imposed upon the seamen of the merchant marine of foreign countries while in ports of the United States, to prevent unskilled manning of American vessels, to encourage the training of boys in the American merchant marine, for the further protection of life at sea, and to amend the laws relative to seamen.

The SPEAKER. The gentleman from Missouri [Mr. ALEXANDER] has 62 minutes left, and the gentleman from Massachusetts [Mr. GREENE] has 16.

Mr. ALEXANDER. Mr. Speaker, does the gentleman from Minnesota [Mr. STEENERSON] desire some time? I offered the other day to yield 10 minutes to him. I can yield him 12 minutes now.

The SPEAKER. The gentleman from Minnesota [Mr. STEENERSON] is recognized for 12 minutes.

Mr. STEENERSON. Mr. Speaker, the title of this bill is:

A bill to abolish the involuntary servitude imposed upon the seamen in the merchant marine of the United States while in foreign ports and the involuntary servitude imposed upon the seamen of the merchant marine of foreign countries while in ports of the United States, to prevent unskilled manning of American vessels, to encourage the training of boys in the American merchant marine, for the further protection of life at sea, and to amend the laws relative to seamen.

Now, ordinarily there can be no dispute about the desirability of the object expressed in the title. I have examined the majority report and the minority report on this bill, and it seems to me that the minority are manifestly wrong, and I can not follow such leadership. The facts are that the imprisonment of sailors for deserting their vessels has long since been abolished in the merchant marine of the United States, so far as the coastwise trade is concerned and so far as the ports on this continent north of the Caribbean Sea. So that an American seaman—that is to say, a seaman on an American vessel—can not and has not been since 1898 lawfully arrested or imprisoned and put in irons for deserting his vessel at any port on this continent north of the Caribbean Sea. And I find that the Commissioner of Navigation in the Department of Commerce and Labor has repeatedly recommended the abolition of imprisonment for desertion upon all merchant vessels of the United States, whether engaged in the domestic or the foreign trade. I will insert extracts of these reports in the RECORD.

He prints tables showing that the number of desertions is so infinitesimal as the small fraction of 1 per cent of all the thousands who are engaged both in the domestic and foreign trade. So it is not a matter of very great commercial importance. It would not affect the trade at all appreciably. But even if it did, it should not deter us from extending the principles of liberty even to the laborers upon the sea.

The question of abolishing imprisonment for desertion in the foreign vessels entering our ports takes on a little different form. Under the laws of the United States and treaties with foreign nations our courts and our officers, upon complaint of any foreign consul or representative of a foreign country that a sailor has deserted a foreign ship in our ports, are compelled to apprehend that sailor and imprison him and surrender him to the master of a foreign vessel in our ports, even though the ground of the complaint is simply that the sailor deserted the vessel and ceased working out his term of enlistment or employment.

It is stated here in this minority report that this bill is chiefly for the benefit of foreigners. I think that is a very narrow view. Broadly speaking, if this bill makes it more expensive for the ships of a foreign flag to operate, if by reason of abolishing arrests for desertion the sailors that come here will desert, and the foreign ships will have to employ sailors at a higher wage, or if this law shall succeed in requiring the foreign vessels to feed their crews better and provide more accommodations and more space, and require them to give their sailors shorter hours, necessarily it will increase the expense of operation of foreign vessels. But we are not legislating to help foreign vessel owners.

If we could by these means increase the expense of our competitors, necessarily we would better the conditions of our own sailors as well as of theirs, so that it is not logical to say that this is exclusively for the benefit of foreigners. It is, no doubt, legislation that will result in increased expense to the foreign shipowners, and that is what is desired by our vessel owners, in order that they may compete with them on more even terms.

There are two ways in which you can successfully compete with any competitor—either reduce your expenses to his level or compel him to raise his expenses to your level. This bill has the tendency to do this, and by means of this provision, together with another provision mentioned in the report, giving Americans the right to purchase vessels abroad to be used in the foreign trade, of which we have practically none now. It would seem as though our people would be placed on a plane approaching an equality with foreign competitors.

But there are humanitarian reasons why this legislation should be enacted. It is not true that we are simply concerned in the matter of making money. There is a great principle at stake here. These sailors in foreign countries sign shipping articles sometimes for three years upon tramp vessels that come to our ports, and notably to the ports on the Pacific coast, and engaged in the trade between South America and the United States—for instance, between San Francisco and Portland and the ports of South America on the west coast in the coffee trade—and receive only one-half the wages paid in the same trade in our American ships. And if these sailors desert they are arrested and imprisoned and surrendered to the masters of those vessels.

In that way we are in effect performing the function of slave catchers. We are enforcing a fugitive-slave law against these foreign sailors who escape from their vessels, and we return them to that servitude; and we do this to reduce the expense of our competitor at sea. It is involuntary servitude, more in violation of the principles of which we are so proud, than the peonage cases that are being prosecuted in some of the States with so much vigor. There is a greater injustice in some of these arrests of sailors for the mere fact of quitting their employment contrary to the shipping articles than in any peonage case that has come to my notice.

The argument that to repeal this law and abrogate these treaties would be interfering with the rights of foreign shipowners seems to me unsound and not founded in reason. It is not only our people that are free, but our soil is free—and whoever touches our shores becomes free. Let us remember that this was recognized even in the Dred Scott case. Dred Scott brought his action in Missouri and claimed the right of liberty because his master had taken him to the Territory of Minnesota—to Fort Snelling—and there kept him for several years, and he invoked the doctrine laid down by Lord Mansfield in the Somerset case, to wit, that "whenever a human being in slavery touches his foot on British soil he becomes a free man forever." [Applause.] But the Supreme Court, in deciding the Dred Scott case, distinguished it from the Somerset case, because they said the action was brought in the State of Missouri, where slavery was lawful, and that therefore the plaintiff must fail, notwithstanding the fact that he had once been in free territory. The court, however, was careful not to overrule the doctrine of the Somerset case, and had Scott's action been brought in a free State, according to the logic of the opinion, the decision would have been the other way. It will thus be seen that even this much-denounced decision recognizes the doctrine of free soil.

Sommersett was a negro slave brought from Virginia to England in 1770 by a Mr. Steuart, the owner, and after two years' service he escaped and was forcibly seized by Steuart's orders and placed on board a ship lying in the Thames bound for Jamaica, where it was proposed to sell him into slavery. The friends of the negro sued out a writ of habeas corpus against the master of the vessel, and the Court of King's Bench, Lord Mansfield presiding, liberated him in 1772.

But this doctrine against involuntary servitude is much older even than the Somerset case. In the brief in the Dred Scott case there are decisions cited as old as the eleventh century, and they also refer to the ordinance of William the Conqueror, that a residence of any of the servile population of England for a year and a day without being claimed, in any city, burg, walled town, or castle of the King, should entitle them to perpetual liberty, as an early instance of this doctrine.

Laws in diminution of the power of a man to reclaim an escaped bondman in Europe commenced with the laws in favor of privileged communes or towns. The earliest publicist who has discussed this subject is Bodin, a jurist of the sixteenth century, whose work was quoted in the early discussions of the courts in France and England on this subject. He says:

In France, although there be some remembrance of old servitude, yet it is not lawful here to make a slave or to buy anyone of others, inasmuch as the slaves of strangers, as soon as they set their foot within France, become frank and free, as was determined by an old decree of the court of Paris against an ambassador of Spain who had brought a slave with him into France.

He states another case which arose in the city of Toulouse, of a Genoese merchant who had carried a slave into that city on



his voyage from Spain; and when the matter was brought before the magistrates the—

procurer of the city, out of the records, showed certain ancient privileges given unto them of Toulouse, wherein it was granted that slaves, as soon as they should come into Toulouse, should be free.

If the minority of the Committee on Merchant Marine and Fisheries, and especially the gentleman from Massachusetts [Mr. GREENE] and the gentleman from Washington [Mr. HUMPHREY], who have not only signed this minority report, but have spoken against this bill, really believe in the principles upon which the Republican Party is founded, the principles of human liberty everywhere, why should they draw this narrow distinction and oppose this bill because besides liberating our own sailors it would liberate foreign sailors also?

The platforms recently adopted both by the Republican and Democratic national conventions favor the principles of this bill. It is not and should not be considered as a partisan measure.

Why not all join the army of liberation, demand the abrogation of all treaties for the recapture of fugitive seamen, the repeal of these peonage laws, and proclaim liberty not only throughout the land but throughout the seas also? Let the American Nation demand this and working conditions on the sea will improve, and the merchant marine will attract the bravest and the best to the adventurous and romantic "life upon the ocean wave" and will restore itself to its ancient greatness.

Do this, and the world will say, when it sees our glorious flag proudly floating in the breeze, "There is the flag that means freedom on land and sea. Hail to the emblem of universal liberty!"

I was too young to take part in the Civil War, but it has been a source of pride and satisfaction to me to recall the fact that my father shouldered his gun and fought in that war for the cause of freedom; and if the dead take an interest in the affairs of the living, I believe he is now urging me on in the fight for liberty in order that our flag upon the sea may float over free men instead of over the enslaved and degraded. Let it become the real emblem of universal liberty everywhere! [Applause.]

#### MEMORIAL.

The seamen of the United States of America, through their committee, duly appointed at their national meeting, held at New York City in the month of November, 1909, respectfully petition for the passage of Senate bill 6155, House bill 11193, being substantially identical bills. And in support of said petition your petitioners respectfully represent and state as follows:

To the Senate and House of Representatives of the United States, to humanitarians, democrats, Christians, and friends of human freedom everywhere:

Do we, the seamen, the yet remaining bondmen, humbly yet earnestly submit this our petition, that we be made free men and that the blighting disgrace of bondage be removed from our labor, which once was considered honorable, which is yet needed in the world of commerce, and which has been held to be of great importance to nations with seacoasts to defend.

Existing maritime law makes of us, excepting in the domestic trade of the United States, the property of the vessel on which we sail. We can not work as seamen without signing a contract which brings us under this law. This contract is fixed by law or authorized by governments. We have nothing to do with its terms. We either sign it and sail, or we sign it not and remain landmen.

When signing this contract, we surrender our working power to the will of another man at all times while the contract runs. We may not, on pain of penal punishment, fail to join the vessel. We may not leave the vessel, though she is in perfect safety. We may not, without our master's permission, go to a mother's sick bed or funeral, or attend to any other duties of a son, brother, a Christian, or a citizen, excepting in the domestic trade of these United States.

If the owner thinks he has reason to fear that we desire to escape, he may, without judicial investigation, cause us to be imprisoned for safe-keeping until he shall think proper to take us out. If we have escaped, he may publish our personal appearance along with a reward for our apprehension and return. He may, through contracts between nations, cause the peace officers and police to aid him in recovering his property. The captain may change, the owner may change—we are sold with the vessel—but so long as the flag does not change there is nothing except serious illness or our master's pleasure that will release us from the vessel.

The master, acting for the vessel, may release himself and the vessel by paying a few dollars, with no alternative.

He that owns another man's labor power owns his body, since the two can not be separated.

We stand in the same relation to the vessel as the serf did to the estate, as the slave to his master. When serfdom was abolished in western Europe we were forgotten by the liberators and our status remained. When the slaves of the United States and Brazil were emancipated our status continued. When serfdom was abolished in Russia no change came to us.

We now raise our manacled hands in humble supplication and pray that the nations issue a decree of emancipation and restore to us our right as brother men; to our labor that honor which belonged to it until your power, expressing itself through your law, set upon it the brand of bondage in the interest of cheap transportation by water.

We respectfully submit that the serfdom of the men in our calling is of comparatively modern origin. Earlier maritime law bound, while in strange countries and climes, the seaman to his shipmates and the ship, and the ship to him, on the principle of common hazard. In his own country he was free—the freest of men. We further humbly sub-

mit that, as the consciousness of the seaman's status penetrates through the population, it will be impossible to get freemen to send their sons into bondage or to induce freemen's sons to accept it, and we, in all candor, remind you that you, when you travel by water, expect us—the serfs—to exhibit in danger the highest qualities of freemen by giving our lives for your safety.

At sea the law of common hazard remains. There must be discipline and self-sacrifice, but in any harbor the vessel and you are safe, and we beseech you give to us that freedom which you claim for yourself and which you have bestowed on others, to the end that we may be relieved of that bitterness of soul that is the heavy burden of him who knows and feels that his body is not his own.

#### DESERTION OF SEAMEN.

The percentage of seamen who desert from American vessels is relatively small, and desertion has ceased to be so considerable a factor in American shipping affairs as it was in the days of sailing vessels. The percentage of seamen who fail to report on board after having signed articles before shipping commissioners in ports of the United States for the past nine years is shown by the following table:

Year.	Shipped and reshipped.	Failed to join.	Per cent.
1902.....	108,554	4,278	3.94
1903.....	120,785	5,187	4.23
1904.....	112,957	3,857	3.41
1905.....	120,782	3,273	2.71
1906.....	126,745	3,894	3.07
1907.....	143,399	4,007	2.79
1908.....	163,192	3,101	1.90
1909.....	181,032	2,114	1.17
1910.....	185,721	2,690	1.45

The facts concerning desertion of seamen from American vessels in foreign ports are even more significant. Reports for the past fiscal year have been received from 259 American consulates, which cover practically our entire consular representation at foreign maritime ports. These reports show the clearances (counting repeated voyages) of 1,847 American steamers and 657 American sail vessels. The details are printed in Appendix C. The following table shows the number of the crews of these vessels, the number of seamen shipped and discharged in foreign ports, and the number of deserters:

Vessels.	Men.	Shipped.	Discharged.	Deserters.
Steam.....	137,612	15,670	15,335	335
Sail.....	7,001	1,395	1,070	157
Total.....	144,613	17,065	16,405	492

Out of a total of 144,613 men (counting repeated voyages), only 492 deserted, or scarcely 1 out of 300—a percentage so small as to be inappreciable. There are two possible explanations for these facts. Conditions of life on American vessels may be in the main so satisfactory that seamen prefer to remain with their ships rather than seek by desertion the conditions of labor in foreign ports or on foreign ships. Another theory was set forth in Senate Document No. 379, Sixty-first Congress, second session, in which certain seamen of the United States allege that the seamen "stand in the same relation to the vessel as the serf did to the estate, as the slave to his master." At the International Seamen's Congress held at Copenhagen, August 27, 1910, the first resolution read:

"That the following changes and improvements be made in the maritime legislation of every country:

"1. The abolition of imprisonment of seamen deserting ships while in a safe harbor."

The Copenhagen resolutions and the Senate document enumerated concerning the imprisonment of seamen for desertion, so far from being progressive, are 12 years behind the legislation of the United States. The act of December 21, 1898, abolished the penalty of imprisonment for desertion from American vessels in ports of the United States, the Dominion of Canada, Newfoundland, the West Indies, and Mexico. More than nine-tenths of the seamen on American vessels by the act of December 21, 1898, were thus relieved and have been for 12 years from the penalty of imprisonment for desertion. Outside the countries named the law of the United States still provides for arrest for desertion, but it is a dead letter. The reason is expressed concisely by the American consul at Southampton, England, where 121 out of 335 desertions from American steamers occurred:

"No requests for arrests were made by any master losing the men. The policy of the masters has been to let all such men go, they being able at all times to fill all vacancies so created in the crew."

In fact, in foreign ports where imprisonment is still permitted by our law, last year American consuls reported only 3 arrests. One seaman was arrested and returned to his ship at Tahiti, Society Islands, 2 at Hakodate, Japan, and 3 at Manila. At Port Elizabeth, Cape of Good Hope, the consul caused the arrest of 1 American seaman from the bark *Charmar*. The consul reports:

"He was arrested by the local authorities and imprisoned for a few hours only, and at his own request was placed aboard his ship, from whence he again deserted and has not since been apprehended."

The consul at Montevideo caused the arrest of a deserter from the whaler *Andrew Hicks*.

These facts do not justify any American seaman in the statement against the laws of his country:

"We now raise our manacled hands in humble supplication and pray that the nations issue a decree of emancipation and restore to us our right as brother men."

The fragment of American law which still authorizes the arrest of seamen for desertion from American ships in remote ports may well be repealed because it is a dead letter. Whether foreign nations should repeal their laws providing for the arrest and imprisonment of deserting seamen from their ships is a matter concerning which for obvious reasons this bureau is not called upon to express an opinion.

## ABOLITION OF IMPRISONMENT FOR DESERTION.

The law permitting the imprisonment of seamen for desertion from American vessels in ports of the United States and in near-by foreign ports was repealed by the act of December 21, 1898. As our ships seldom cross the oceans, that act covers practically all phases of American navigation. It was not followed by increased desertions nor did it impair discipline on shipboard. At present a seaman deserting from an American ship in the harbors of Europe, Asia, Africa, Australia, Oceania, and South America south of the Caribbean Sea may be imprisoned. Few American ships visit those ports, and out of their total crews not one man in a hundred deserts. There are virtually no cases of imprisonment. When a man deserts an American ship abroad, he is rarely interfered with and not infrequently he regrets his course and appeals to the American consul for assistance. There are more cases of complaint that men have been driven to desert than of complaint of arrest after desertion. The remnant of law actually serves only one purpose, to furnish ground for rhetorical protest that American seamen are treated as chattels and that the law keeps them in fetters and is a survival of the spirit of the fugitive-slave law. The repeal of the statute on which the complaint is based was recommended last year, and the recommendation is renewed. It can be brought about by a simple act of few words, declaring that imprisonment as a penalty for desertion of seamen from vessels of the United States is hereby abolished and sections 4596 and 4600 of the Revised Statutes as amended by the act of December 21, 1898, are hereby amended accordingly.

Mr. ALEXANDER. Mr. Speaker, I yield three minutes to the gentleman from California [Mr. KENT].

Mr. KENT. Mr. Speaker, as I understand the marine law, an American sailor in the coastwise trade may leave his ship at any time before the anchor is drawn or on arriving in safe harbor, the penalty for violating his contract being a forfeiture of all his wages, advance pay being prohibited under the present coastwise laws and under this bill.

An American sailor having taken a contract for a foreign voyage, if he deserts in any foreign port, is acknowledged by the American marine law to be subject to arrest and imprisonment and to be returned to the ship. If returned to the vessel, his wages are subject to the costs of his capture and detention. If not returned to the vessel, his wages are forfeited.

On the other hand, in the event of not being returned to the vessel, he is subject to the penalty of one month's imprisonment and the loss of all wages.

A foreigner in an American port is, under the marine law, subject to the same penalties as an American in a foreign port.

Practically speaking, an American sailor who, on shore leave, complains to a consul or to other authority of ill treatment, has his testimony discredited by the assumption that in such testimony he is endeavoring to break his contract. If, after desertion, he should make similar complaint he would be liable to arrest and punishment, and his statements concerning abuses which caused said desertion would be discredited.

This bill, first, by abolishing the unusual penalty of enforced labor, places the sailor on terms of industrial equality with men working in other trades, and at the same time by permitting civil damages to be assessed against desertion in the collectible terms of forfeited pay strengthens his inducement to carry out his contract which, in its nature, should be more binding upon him, than contracts in other lines, where replacement is easier.

Second, by providing for relinquishment of contract by sailors of foreign vessels it tends to equalize the wages of those engaged in international commerce, thereby rendering the service more dignified, more responsible, and more apt to enlist the services of those fitted to assume the tremendous responsibilities that go with the preservation of lives and property at sea.

It is inconceivable that any Member of this House would permit a son to serve as a common sailor in international trade under existing laws. Just as long as certain occupations are of such a nature as to preclude self-respecting men from engaging in them, there will always be a severe strain upon our theories of democracy.

We are anxious to have a merchant marine, but we can have no object in encouraging a merchant marine except that the people engaged in maritime service are American citizens and are properly paid, decently treated, and in time of war are suitable for naval service.

This law of enforcing virtual peonage certainly would not permit self-respecting Americans to take up this occupation except as a last resort. We used to have a bondage system among white men in this country, in colonial times, and in other parts of the civilized world, but this bondage system is done away with in every employment except employment on the sea. We who are anxious to have an American marine built up and are anxious to have cheapened commerce do not want this cheapened commerce to be effected at the expense of human liberty. Such cheapening will always be dearly paid for. [Applause.]

The SPEAKER. The time of the gentleman has expired.

Mr. ALEXANDER. Mr. Speaker, I yield five minutes to the gentleman from California [Mr. RAKER].

Mr. RAKER. Mr. Speaker, I ask unanimous consent to print in connection with my remarks some telegrams that I have received from the Fishermen's Union of California; the California State Federation of Labor, representing some 65,000 men and women; the California Harbor Board of Fifteen; the Sailors' Union of the Pacific Coast; and the Marine Cooks and Stewards' Association of the Pacific Coast; and also a statement by Mr. Andrew Furuseth in regard to House bill 11372, which is in substance the present bill.

The SPEAKER. The gentleman from California [Mr. RAKER] asks leave to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. RAKER. I yield my remaining time back to the gentleman from Missouri.

The SPEAKER. The gentleman yields back four minutes.

Mr. ALEXANDER. Mr. Speaker, I will detain the House but a very few minutes. The Republican national platform adopted at Chicago and the Democratic national platform adopted at Baltimore both declare in favor of the repeal of our laws providing for the arrest of deserters from ships, whether domestic or foreign. While these laws may not be in violation of the letter of the Constitution, which prohibits involuntary servitude, they are in violation of the spirit of the Constitution, and hence no liberty-loving man, no one who has respect for human rights, in the sunlight of this century can stand up and insist that a man shall be imprisoned for violation of the terms of a civil contract.

A bill has already passed the Senate (S. 5757) abolishing the penalty of imprisonment for desertion of seamen from vessels of the United States, whether in the coastwise trade or in foreign trade, and that bill is now pending before the Committee on the Merchant Marine and Fisheries.

The bill pending, known as the seamen's bill, contains a like provision and also provides for the abrogation of the treaties into which we have entered with foreign countries by the terms of which we are under obligation to return foreign seamen who desert from foreign ships in our ports.

If it is contrary to the spirit of our institutions, if it is contrary to the sentiment of the times, there is no reason why we should perform this service for foreign nations if it is obnoxious to our views of our duty to our own shipping interests.

The other day when the gentleman from Washington [Mr. HUMPHREY] was addressing the House he called attention to a provision of this bill on page 13, subdivision (e).

(e) That this section shall apply as well to foreign vessels as to vessels of the United States, and any master, owner, consignee, or agent of any foreign vessel who has violated its provisions shall be liable to the same penalty that the master, owner, or agent of a vessel of the United States would be for similar violation.

Section 10 of the pending bill is an amendment of the act of December 21, 1898, relating to the advances and allotment of wages. If the gentleman had only taken the pains to examine the statute, he would have found that instead of the paragraph quoted being a new provision it copies from the law the exact provision of the act of December 21, 1898, which provides in subdivision (f) as follows:

That this section shall apply as well to foreign vessels as to vessels of the United States, and any master, owner, consignee, or agent of any foreign vessel who has violated its provisions shall be liable to the same penalty that the master, owner, or agent of a vessel of the United States would be for similar violation: *Provided*, That treaties in force between the United States and foreign nations do not conflict.

I have said that section 10 of the act of December 21, 1898, relates to advancement and allotment of wages. If we have any treaty with a foreign nation we should take the necessary steps to repeal the treaty. The provision of which the gentleman from Washington [Mr. HUMPHREY] complains is in the act of December 21, 1898, and is not a new provision in the pending bill, hence his criticism is without merit.

Mr. MANN. Will the gentleman yield for a question?

Mr. ALEXANDER. Certainly.

Mr. MANN. Did I understand the gentleman to say that he thought this bill violated any treaty?

Mr. ALEXANDER. No. I say if the contention of the gentleman from Washington [Mr. HUMPHREY] is correct, and it did violate the provisions of the treaty, then we should take steps to repeal the treaty.

Mr. MANN. That may be a matter of dispute, but I thought the gentleman himself said he thought it did.

Mr. ALEXANDER. No; I did not say that.

Mr. MANN. I misunderstood the gentleman.

Mr. ALEXANDER. I will ask the gentleman from Massachusetts [Mr. GREENE] to consume the balance of his time.



Mr. GREENE of Massachusetts. Does the gentleman from Missouri intend to have more than one speech?

Mr. ALEXANDER. We will have but one other speech on this side. The balance of the time will be consumed by the gentleman from Pennsylvania [Mr. Wilson].

Mr. POST. Mr. Speaker, the bill under consideration is one of vital importance. There are many subjects before the country demanding legislation. No one is of greater importance than the rebuilding of our merchant marine and regaining our commercial independence, put to hazard and lost by the War of the Civil Rebellion. Since that time our merchant marine, so far as it relates to transoceanic commerce, has been in a state of decadence. Agriculture, manufacture, and commerce are interests of great national importance; but commerce includes navigation, and it can not be conducted without it. All of these great factors are essential to the public weal, and none should be suffering for legislative aid.

Since the close of the Civil War a course has been pursued by indifferent captains commanding the ship of state which has resulted in great national loss and disadvantage, so that now, while we excel in agriculture and manufactures in the ports and marts of the world, we are practically devoid of a merchant marine, except in our coastwise trade. By proper navigation laws we have amply provided for our coastwise trade, and its commerce is carried exclusively in American bottoms.

But why should we not have our share of the deep-sea commerce of the world? Every nation should have its own shipping to carry its own commerce, at the very least, not to say it would be most desirable to go further and assist in the carriage of other nations. To carry our own commerce in bottoms flying our own flag would give us a commercial independence that would be a very strong security for political freedom. It would bring to us an independence in trade relations we do not now enjoy. Our prosperity must always depend to a very large degree on freedom of industrial development. To be prosperous we must embrace equal opportunities with other nations in all industrial enterprises and place ourselves upon equal opportunities with them. For more than a half a century we have been dependent upon other nations almost exclusively in the deep-sea traffic. A nation that is dependent necessarily lacks in liberty and loses in opportunity and power. Its dependence compels it to submit to untold impositions, and subjects it to the voracious rapacity of rivals and extortions of commercial competitors. We are now so dependent since the decline of our merchant marine that more than 90 per cent of our foreign commerce is carried by foreign shipping. This is a deplorable situation respecting our foreign intercourse. If we were so unfortunate as to engage in war with any of the great powers, our ships engaged in foreign commerce would be inadequate for transport service. We are now in the sad plight of being unable to carry on foreign war or commerce for lack of shipping facilities. The goods we make are carried in foreign ships. The wares we buy abroad are brought to our ports under foreign flags. We can make and purchase goods and expend millions to provide docks, wharves, and safe harbors; we can place a light upon every point that juts into the ocean on our thousands of miles of coast as signals of danger; we can erect a chain of radiotelegraphic stations from Penobscot to Brownsville and from San Diego to the Arctic Circle; and do all this for the use and benefit of foreign craft engaged in carrying our merchandise to foreign markets and bringing foreign goods to our shores. These public utilities are valuable aids to our coastwise shipping, which is amply protected by our navigation laws, and we should place ourselves in a position to enjoy their benefits by an adequate American deep-sea merchant marine. Congress should stimulate the sentiment in favor of an American merchant marine and in favor of a policy which will make the American flag more often seen in all of the ports of the world. It is the universal regret of Americans traveling abroad that the flag is not more often seen in the foreign carrying trade.

The pending measure, known as the seamen's bill, is one of the several measures proposed to restore the flag in the great carrying trade upon the high seas; it is a measure intended in some degree to restore our lost prestige in this branch of the world's commerce and to uplift our merchant marine. There are other measures pending having in view the same purpose—the bill to regulate radio communication and the free-ship bill.

The bill under consideration has three main features. It is proposed to elevate the condition of the seaman in all the branches of the service so as to induce the American boy to go to sea, a condition most devoutly desired to be consummated. The restrictions surrounding the seaman, some of them originating in feudal times, contained in our navigation laws are so intolerable that Americans, except in our coastwise trade, have

quit the sea. To eliminate some of these restrictions, to make the life of the seaman conform more nearly to modern civilization, to make the conditions of life on land and sea more nearly equal, is sought to be effected by the pending bill. No one will deny that the American seaman does not receive at the hands of existing law the treatment that men ashore expect, demand, and receive. We must modernize our navigation laws and make them accord with existing conditions and bring them within the American conception of personal liberty.

The condition of the seaman must be lifted from that which he now occupies, a serf tied to the ship. Under existing law he can be arrested and put in irons for deserting the ship, when such desertion amounts only to a breach of his contract. On shore such infraction is remedied by civil action for damages only. On sea the breach is penalized and the poor sailor is often put in irons at the mere whim of the master.

The right of the master to "flog" a seaman for disobedience to orders is a relic of the dark ages, and is nowhere tolerated on shore. No vessel engaged in the ocean-going trade should, not only for the safety of the passengers but for the safety of the crew as well, be permitted to clear a port without a sufficient crew for her safe navigation. The crew should be wholly efficient. The great trans Atlantic and Pacific steamships, floating palaces of the sea, equipped in luxury and with a lavish hand, to accommodate the elegant tastes and refinements of elite passengers, should be provided with suitable quarters for the comfort of those who are responsible for their safe navigation. Let me give you a concrete example. I call your attention to the existing law which provides for the quarters of the sailors and firemen in the forecabin. It is the place provided for them in which to live, eat, and sleep when off duty. This space is 6 feet long, 6 feet high, and 2 feet wide. Custom has placed the small bunk in this small place. Space is valuable for storing cargo, for swimming pool, and the dance pavilion. The space allotted to the sailor or fireman is sacrificed for the luxuriant quarters of officers and passengers, and is so uncomfortable that one of the witnesses before the committee described it "as too large for a coffin and too small for a grave." The forecabin is so limited in space that it has been dubbed "the glory hole." The law is an inheritance of olden times and should be discarded as quickly as possible.

The bill under consideration provides 100 cubic feet of space, room enough to stand up, lie down, and turn around. The marine architects, in their eager desire to excel in luxury, have entirely overlooked the comfort and welfare of the crew and the salient fact that they have intrusted to their care precious freight of human lives.

Most maritime nations of Europe have made the forecabin space 6 feet by 6 feet by 3 feet, 108 cubic feet.

The bill under consideration provides for suitable washing outfits and for suitable space for the crew to pass from the forecabin to the decks; it provides that the sailors shall be divided into two and the firemen into three watches, and that each watch shall alternately perform the work ordinarily incident to the sailing and management of the vessel; that while in safe harbor no seaman shall be required to do any unnecessary work on Sunday or legal holiday; that the seaman engaged in coastwise trade shall be paid his wages within two days after his discharge or termination of his services under the ship's articles; and in the transoceanic service within 24 hours after the cargo has been discharged; he will be entitled to receive one-half the wages due him at every port where the vessel takes on or discharges cargo; when the voyage is ended he will be entitled to his full pay. If the vessel while in a foreign port is in an unsuitable condition to go to sea on account of leakage or a lack of suitable equipment or men to properly man her, a majority of the crew can procure redress through the resident consul. He can compel his lodging place in the vessel to be properly lighted, heated, drained, ventilated, and protected from weather and sea and shut off from effluvia or cargo or bilge water; he need not be flogged, and all forms of corporal punishment are abolished; he is prohibited from receiving his wages in advance; no one except grandparent, parents, wife, sister, or children can take from him an allotment of his wages. This latter is a strike at the so-called advances for board of seamen while waiting in port for the vessel to take on cargo and depart, and has been subject to great abuses. The system was abolished in our coastwise trade by an act of the Congress in 1898.

If we enact this bill into law, the seaman's wages will be exempt from attachment or arrestment in any court. Nearly every State in the Union has exempted the wages of labor from attachment or execution. Some States have limited the amount that shall be exempt, and some have limited the time in which wages may be attached. In this provision we are simply fol-



lowing the humane policy recognized almost universally in favor of the wage earner in the land. Is a seaman entitled to any less consideration than the landsman? His life is filled with the monotony of the sea; his environments are encompassed by the waters; and his labors are full of drudgery.

The bill provides further for the proper manning of the vessel in that 75 per cent of the deck crew shall be able seamen. An able seaman is one who has had three years' service at sea. This provision will add to the efficiency of the service and inure to the safety of the crew and passengers.

Every vessel of 300 registered tons and less than 1,500 tons will be compelled to carry in her crew an American boy, and if more than 1,500 tons register two American boys. Ninety-five per cent of the crews of vessels engaged in deep-sea traffic that fly the American flag are foreigners. Before the decadence of our merchant marine the decks of our vessels teemed with native seamen. To restore this condition is one of the objects of the bill.

A new feature to American maritime law is proposed, to the effect that in the end not less than 75 per cent of the crew of a vessel shall be able to understand any order given by the officers of the vessel. All of these provisions are for the purpose of adding to the efficiency of the crew; to provide additional safeguards for the safety of passengers; to make life at sea more comfortable and endurable; to induce the American boy to enter the seafaring life, and to cause the American seaman when once in the service to remain there, that in the end we may rescue our decadent merchant marine from the said plight into which it has fallen.

If we can compel better quarters for our seamen; establish "watch for watch," so as to furnish requisite rest; prohibit "crimping"; prevent our seafaring men from being "placed in irons" for the mere breach of a contract, and thereby place him upon an equality with laborers on the soil; compel the foreigners to acquire our language so as to correctly understand orders given in English; require 75 per cent of the crews to be able seamen; enforce the apprenticeship of American boys upon our vessels, we certainly have taken a step forward in the advancement of our merchant marine and made life more easy for those citizens engaged in its perils.

As I said before, the bill has three main features:

The second feature has for its object the improvement in safety of life and property at sea. These features of the bill I have already pointed out in detail.

On the 15th of June, 1904, the excursion boat *General Slocum*, plying the waters of New York Harbor and Long Island Sound, was burned to the water's edge. More than a thousand men, women, and children lost their lives in the frightful holocaust. It was one of the most terrible marine tragedies of all time. In the confusion following the breaking out of the fire hundreds of men, women, and children, caught like rats in a trap, in the great tumult and pandemonium that reigned supreme, were burned to a crisp aboard ship. Hundreds of others, burned and scorched until frantic, rushed into the surrounding water, only to meet death by drowning. The scenes of that terrible marine tragedy are too horrible even at this late day to contemplate, and its horrors will never be forgotten. The memory can not efface the frightful scenes that ensued while the excursion steamer was being consumed by the flames. Its sickening details leaves a lasting impression upon the memory and they can not be forgotten. So terrible were the scenes there enacted that some of the victims who escaped lost their reason and have been compelled to spend their remaining days in asylums. And what was the cause? Above all others was the inefficiency of the crew. They were raw deck hands not drilled in the use of the fire apparatus. In that critical moment they knew nothing only to save themselves. The life preservers were wholly worthless, having been permitted to decay. The fire apparatus was rotten and useless. Who can say that if the *Slocum* had been manned with an efficient crew, these life preservers and the fire extinguishers would have been properly looked after and cared for and replaced with those in perfect working order, that if the crew had been such as we seek to provide for in this bill that, instead of trying to save themselves, they might have extinguished the fire that tolled so many precious lives and have prevented one of the most heartrending events of all history.

We appointed a commission to inquire into the causes of the *Slocum* tragedy. There was an actual loss of 955 out of 1,358 passengers, while there was only a loss of 2 out of a crew of 30. The commission reported:

The inefficiency and poor quality of the crew of this vessel, doubtless typical of the majority of crews on excursion boats, is one of the essential facts that caused the loss of so many lives.

Upon the language requirements of the bill I want to call attention to the loss of the *City of Rio de Janeiro*. She carried

a crew of 84 Chinamen and was officered by white men. But two of these officers could speak the language of the Chinese. The steamship was homeward bound from Hongkong to San Francisco. Upon entering the bay at San Francisco, on February 22, 1901, she struck a shoal of rocks between the Golden Gate and the harbor and sank within 20 minutes, carrying down a large number of passengers and crew, with her cargo. She entered the harbor in a dense fog; it was very dark, but the water was smooth. She carried 211 persons and 11 lifeboats. Her equipment and apparatus were in good condition. Five minutes would have been ample time to have loaded and lowered her boats, yet but only 3 of the 11 boats were lowered into the water, and only three passengers were taken aboard any of the boats. The boatswain and two firemen were the only two officers who could give orders in the Chinese language to the crew. The result was that the orders of the officers had to be communicated by the boatswain or by the chief fireman by signs or signals. It was utterly impossible for two officers to communicate with the crew in the emergency. The crew was not drilled in the matter of lowering boats, and under these conditions all were practically helpless. The United States Supreme Court held—

that the ship was insufficiently manned, for the reason that the sailors were unable to understand and execute the orders made imperative by the exigency that unhappily arose and resulted so disastrously to life, as well as to property.

Had 75 per cent of the crew been able to understand the English language there was ample time to have filled and lowered the boats and thus have prevented the frightful and criminal loss of life.

The *Titanic* disaster is too recent to dwell upon its terrible results. She carried on board on her initial trip 2,223 persons, of whom 1,515 were lost and only 706 saved. Her crew numbered 899 persons.

The evidence before the Committee on Commerce in the United States Senate discloses that she was equipped with 16 lifeboats and 4 collapsible, with a total capacity of 1,176 persons. The crew had never been drilled in the handling of davits or lowering of the boats. It is not clear that all of the lifeboats were loaded and lowered, one of the lifeboats being unaccounted for. More than four hours elapsed from the time the *Titanic* received her death blow before she sank, and no one would question the fact that she had ample time in which to lower all of her boats and properly load them, but the evidence discloses that there was great indecision among the crew; they did not seem to know how many were necessary to man each boat, and there was a failure to utilize all lifeboats to the capacity for safety. Only 706 were taken off. A very few of the lifeboats were overloaded, while many of them were only partially filled. Proper efficiency in the crew of the *Titanic* might have saved 474 souls. This, the greatest of all marine tragedies, exemplifies the necessity for strict laws and regulations in regard to promoting the safety of passengers and crew at sea.

We might multiply these illustrations, but it is useless. It may be said that these examples are noted exceptions, but I want to call attention to the fact that in the fiscal year of 1910 there were loss of life upon 262 American vessels, entailing a loss of 563 lives. These vessels either foundered, stranded, were in collisions, or there was loss of life from other causes, and the sum total might be charged up to inefficiency.

As the law now stands the shipowner can go into the mountains of Pennsylvania and hire men wholly without experience and intermingle them with men who have been to sea long enough to absorb some of the ethics and traditions of the calling. And this or the like is not infrequently done. And then we exploit about "the safety of the sea" and overlook entirely the efficiency of the crew.

This bill is not opposed to the interests of the shipowner. The decadence of our over-sea carrying trade is due to two causes.

We can not build ships in this country as cheap as they can be constructed in the foreign yards. The cost of ships is, then, an item in favor of the foreign shipowner, and in order to put the domestic owner upon an equal footing with his foreign competitor we must equalize this difference in cost. How are we to accomplish this? One of the bills now pending upon the House Calendar is the free-ship bill. Outside the difference of wages between the foreign and domestic yards, we can furnish cheaper materials to our shipbuilders than the foreign yards can obtain them for. It is proposed to give free material for the construction of ships to our builders and in that way equalize the cost to the American owner. Can anyone doubt that the means to be employed will not justify the ends sought to be accomplished? With free material to enter into the construction of domestic ships our shipbuilders will undoubtedly

be compensated for the difference in wages here and abroad. Solve the wage problem, and we should be able to purchase ships in our own yards cheaper than to take them off of foreign ways.

The second obstacle to be overcome is the difference in wages of an American crew and the wages of the foreign crew. The cost of victualing the ship is as cheap or cheaper here than abroad. Fuel is as accessible and no greater burden. How, then, are we to equalize the wage problem? It must not be forgotten that the American seaman is more capable and more efficient than his foreign competitor. He can and does accomplish more in a given time, and this is a factor in the problem of equalization. This bill seeks to abrogate the treaties and laws under which seamen on foreign vessels are imprisoned in the United States at the behest of the masters of those vessels. The master, as the law now stands, has a sort of peonage upon the members of his crew. He can throw them in prison and keep them in bondage until ready to depart, and then compel their return to his ship. By this barbarous process he is enabled to enforce obedience to the ship's articles and retains his crew for the round trip. Under such a law the seaman is not the owner of his body but is a slave to the ship. Abolish the law, and the foreign seaman when he lands in our ports can refuse to return unless he is paid the price of an American seaman. The master can not return without men to safely navigate his ship. He is in an American port, and before he can return he must engage his crew in the American market and at its wage. No one will question but that he will be obliged to pay the wages demanded by American freemen. The foreign seaman can require the American wage or refuse to make the return voyage. Can anyone doubt but that these conditions will equalize the scale of wages? The American shipbuilder, with his free materials selling upon an equality with his foreign competitor, the owner navigating his vessel on an equality with his foreign competitor, we should soon expect to find the American boy coming back to the sea instead of drifting from the sea; we should soon expect to see our merchant marine rejuvenated, plowing every sea in every clime and the flag of freedom waving in every commercial mart and port in the world.

Mr. ALEXANDER. Mr. Speaker, I yield the balance of my time to the gentleman from Pennsylvania. [Mr. WILSON].

The SPEAKER. The gentleman from Pennsylvania is recognized for 38 minutes.

Mr. WILSON of Pennsylvania. Mr. Speaker, I shall not undertake to discuss the statements contained in the views of the minority to any great extent that this is the first time in recent years that partisan advantage has been sought on any bill before the Committee on Merchant Marine and Fisheries by a subcommittee excluding the minority of the committee from the consideration of the bill while it was being perfected. It is immaterial to the merits of this bill whether or not the friends of the measure met for the purpose of considering it before presenting it to the opposition for the purpose of consideration. As a matter of fact, the friends of the bill did meet and perfect the bill. It was then submitted to a subcommittee for its consideration, and the gentleman from Washington [Mr. HUMPHREY] was not present at that meeting. His absence was no fault of the gentleman from Texas [Mr. HARDY], who was chairman of the subcommittee. The bill was referred to the full committee for consideration. The gentleman from Washington was present at that meeting and stated at that meeting that he had not had an opportunity to consider the measure and asked that it go over until the next meeting of the committee so that he could have an opportunity of presenting his views. His request was complied with and the bill went over until the next meeting of the committee, when the gentleman from Washington was again present, stated briefly his views upon the measure, and afterwards the bill was considered and reported to this House. The bill is not a partisan measure, as is demonstrated by the fact that both of the great political parties have in their platforms adopted resolutions indorsing the principles involved in the bill. The Republican platform, under the head of "Safety at sea," says:

We favor the speedy enactment of laws to provide that seamen shall not be compelled to endure involuntary servitude and that life and property at sea shall be safeguarded by the ample equipment of vessels with life-saving appliances, and that full complements of skilled, able-bodied seamen be provided for.

So that there is more in the Republican platform than the simple declaration of freedom for the sailor. They seem to believe that among the things necessary for safety at sea is skilled seamen to handle a sufficient number of lifeboats to protect those who travel by sea.

Mr. HUMPHREY of Washington. Will the gentleman yield?

Mr. WILSON of Pennsylvania. Certainly.

Mr. HUMPHREY of Washington. I want to ask the gentleman now if he will join with me in any amendment I may offer that will compel the employment of men who are competent and able to handle lifeboats and other crafts used in the saving of life at sea?

Mr. WILSON of Pennsylvania. I would have to wait until I hear the amendments before answering the gentleman's question.

Mr. HUMPHREY of Washington. If, in the judgment of the gentleman, it increased efficiency—

Mr. WILSON of Pennsylvania. If, in my judgment, it increased the safety of travel at sea, I would be perfectly willing to agree to amendments of that character.

The Democratic platform, under the heading of "Merchant marine," says:

We believe in fostering by constitutional regulation of commerce the growth of a merchant marine which shall develop and strengthen the commercial ties which bind us to our sister Republics at the south, but without imposing additional burdens upon the people and without bounties or subsidies from the Public Treasury. We urge upon Congress the speedy enactment of laws for the greater security of life and property at sea, and we favor the repeal of all laws and the abrogation of so much of our treaties with other nations as to provide for the arrest and imprisonment of seamen charged with desertion and with violation of their contracts of service. Such laws and treaties are un-American and violate the spirit, if not the letter, of the Constitution of the United States.

Both party platforms declare in favor of the principles embodied in this bill. The gentleman from Washington [Mr. HUMPHREY] says that it was not shown in the *Titanic* disaster that the seamen employed on the *Titanic* were lacking in skill. Let me quote from a statement issued by some of the survivors immediately after the *Titanic* disaster. They said:

We feel it our duty to call the attention of the public to what we consider the inadequate supply of life-saving appliances provided for on modern passenger steamships, and recommend that immediate steps be taken to compel passenger steamers to carry sufficient boats to accommodate the maximum number of people carried on board. The following facts were observed and should be considered in this connection: The insufficiency of lifeboats, rafts, etc.; lack of trained seamen to man the same. Stokers, stewards, etc., are not efficient boat handlers. Not enough officers to carry out emergency orders on the bridge and superintend the launching and control of lifeboats; absence of searchlights,

And so forth.

In the reports made by the Senate committee and by the British committee that investigated the subject, similar statements are made. The statement on the part of the Senate committee embodied, in brief, this fact: That the *Titanic* crew was but meagerly acquainted with the positions and duties in case of accident. Lord Mersey's committee reported that a greater proportion of the passengers might have been saved if the crew had been better organized and trained in the handling and launching of lifeboats. Both of those reports specify the necessity for skilled men in handling lifeboats. Of what value is it in the saving of life at sea to have a sufficient number of boats to hold every person on board, passengers and crew, if, after you have those lifeboats, you have not a sufficient number of men skilled in the handling of boats to lower them and get off in a seaway.

This bill will accomplish three very important results. It will give freedom to the sailor. It will promote safety of travel at sea. It will assist very materially in the building up of a merchant marine without resorting to subsidies by equalizing the operating expenses of our vessels engaged in the foreign trade with those of foreign competitors.

There are two great reasons why our merchant marine has declined. The first of those is that the initial cost of vessels to the American shipowner is greater than the initial cost of vessels to his competitor. A bill is now pending on the calendar, introduced by the gentleman from Missouri [Mr. ALEXANDER], proposing to remedy that portion of the discrimination against our merchant marine. The other reason is that the operating expenses of American vessels engaged in the foreign trade is greater than the operating expenses of competing vessels. Those increased operating expenses are principally, if not wholly, composed of the difference in the wage rate paid to American seamen as compared with the wage rate paid to foreign seamen. When it comes to buying supplies for our vessels they are able to buy their supplies as cheaply as their competitors can buy them. They buy them in the same ports, in the same markets, under the same conditions, and consequently are able to buy their supplies as cheaply as their competitors are able to buy them. But it is not true with regard to wages. There has been a very common misapprehension that the wages are dependent to a great extent, if not wholly, upon the flag under which a sailor works. But the wages are dependent principally upon the wages in the ports at which the sailor is shipped, and the wages in those ports are in turn dependent in a great measure upon the standard of living in the country where the



port is located. And so foreign vessels have been able to procure their seamen in their home ports at a lower rate than our merchant marine is able to secure them. And after having secured those seamen at a lower rate and the seamen have signed the ship's articles if they desert when they come to our ports we use our police powers to catch those seamen and return them to the vessels from which they deserted, thereby using our police powers for the purpose of assisting foreign countries in continuing their advantage over our own merchant marine.

The wages of American seamen until recently out of the port of New York for British ports were \$25 per month. They are now \$30 per month. The wages of British able seamen to the port of New York were £4 10s. They are now £5 per month.

(For wages of American seamen, see p. 95, Annual Report of Commissioner of Navigation, 1911.)

(For wages of British seamen, see S. Doc. No. 379, 2d sess. 61st Cong., p. 34.)

There is the same or greater difference in the wages paid seamen out of the ports of other foreign countries compared with American ports as that existing between British ports and the port of New York.

The gentleman from Washington [Mr. HUMPHREY] says that we have the power but we have not the right to interfere with that condition of affairs; that we have not the right to say to foreign nations what qualifications their seamen shall have, what contracts those seamen shall make, what language those seamen shall speak, or the other conditions and terms under which the contract shall be made. We not only have the right, we not only have the power, but it is our duty to our citizens who travel on those vessels which come to our ports, whose safety is involved, whose property is risked, to see to it, as far as our jurisdiction and power go, that they shall travel in safety and their property be transported safely. We do not say, or propose to say, to foreign nations what the terms and conditions of their contracts with seamen shall be as long as they remain in foreign waters; but just as soon as they come into American waters, then we insist that they shall comply with the same regulations, the same provisions for safety, as are required of American vessels.

Most foreign vessels entering our ports carry our citizens as passengers and our merchandise as freight, and it is not only our moral right but our moral duty to see that both are carried in safety. That can not be done if the seamen do not understand the language of the officers. No man can obey orders or follow instructions that does not understand the orders or instructions when given to him, and no man can be efficient as a seaman in ordinary times, and much less in times of emergency, who does not understand orders when given him. But even that is not sufficient. Of what value is it to understand orders when given if the seaman has not sufficient skill to carry the orders into effect? Of what value is it to have a sufficient number of lifeboats to carry all of the passengers and crew if you have not a sufficient number of skilled men to lower them and handle them in a seaway?

The gentleman from Washington [Mr. HUMPHREY] further says that this slave-catching device—catching runaway seamen—is obsolete so far as American seamen are concerned. If it is obsolete, then there can be no objection whatever to the repeal of the law. But, unfortunately, it is not obsolete. The report of the Commissioner of Navigation for the year ending June 30, 1910, says:

In fact, in foreign ports where imprisonment is still permitted by our law, last year American consuls reported only eight arrests. One seaman was arrested and returned to his ship at Tahiti, Society Islands; two at Hakodate, Japan; three at Manila, Philippine Islands; one at Port Elizabeth, Cape of Good Hope; one at Montevideo, Uruguay.

Eight of them arrested and imprisoned—American seamen, American citizens—treated as runaway slaves in a foreign country, captured by the police powers of foreign countries, imprisoned or returned to their vessels, and compelled to fulfill a civil contract to labor.

Since when, Mr. Speaker, has it become wrong for the American people to stand out against a fugitive-slave law? Since when has it become wrong for the American people to stand out against slavery in any form? The United States Supreme Court, in the case of Bailey against The State of Alabama (219 U. S., p. 219), used this language:

While its immediate concern was African slavery, the thirteenth amendment was a charter of universal freedom of all citizens, of whatever race, color, or estate, under the flag. The words "involuntary servitude" have a larger meaning than slavery, and the thirteenth amendment prohibited all control, by coercion, of the personal service of one man for the benefit of another.

And yet under our existing maritime laws a seaman can be compelled to work against his will for the personal benefit and profit of another. That is also true, and to a greater extent true, of foreign seamen in vessels trading with the United

States. A short time ago my attention was called to an article in the Coast Seamen's Journal, asserting that certain men had been arrested and were held by the United States marshal, to be placed aboard of a vessel which they had left. I immediately sent the following telegram, under the date of May 22 of this year:

Hon. CHARLES T. ELLIOT,  
United States Marshal, San Francisco, Cal.:

Please advise me by wire what disposition has been made of Thorwald Bye, Harold P. Ellison, and John S. Johnson, from the Norwegian steamer *Admiral*, and whether or not they are still being held in the custody of the United States, to be delivered to said steamer.

To which I received on the same date the following reply:

Telegram received. Parties placed in charge of officer, steamer *Admiral*, May 11, by request Norwegian consulate.

That is evidence that these laws have not become obsolete. They still exist, as applied to foreign seamen trading at our ports and our seamen at foreign ports.

Mr. HOWLAND. Mr. Speaker, will the gentleman yield?

The SPEAKER pro tempore (Mr. MARTIN of Colorado). Does the gentleman yield?

Mr. WILSON of Pennsylvania. I yield.

Mr. HOWLAND. I would like to ask the gentleman whether or not the law to which he is now calling attention has ever been applied to seamen on the Great Lakes, and whether the gentleman knows of a case where an arrest for desertion has ever been asked for on the Great Lakes?

Mr. WILSON of Pennsylvania. I have not any information of any arrests having been made on the Great Lakes under these circumstances; but if they have not, and the law is obsolete so far as it applies to the Great Lakes, then there certainly can be no reason why the law should not be repealed.

Mr. HOWLAND. I understand it has been abolished, and so the remarks of the gentleman in this respect would not apply to the Great Lakes.

Mr. WILSON of Pennsylvania. It would not apply generally to the Great Lakes, because the traffic on the Great Lakes is not to any great extent a foreign traffic. The greater part of the traffic on the Great Lakes is a coastwise traffic, and, so far as the coastwise trade is concerned, the law was repealed a number of years ago—in 1898, I believe.

Mr. HOWLAND. We are very proud of our ships and sailors on the Lakes and I would like to ask the gentleman this general question, as to whether or not the evils against which he is proposing to legislate in the pending measure are in existence at the present time on the Great Lakes?

Mr. WILSON of Pennsylvania. I do not know, so far as the freedom of the sailor is concerned, but I do know that on the Great Lakes at the present time unskilled men are employed in handling vessels, and that, as a result of unskilled men being employed, life and property are continuously in danger.

On the question of skill I desire to call the attention of the House to a colloquy which occurred during the hearing before the committee.

Mr. HUMPHREY of Washington. Mr. Speaker, will it disturb the gentleman if I ask him a question? I do not want to annoy the gentleman.

Mr. WILSON of Pennsylvania. Not at all. Go ahead.

Mr. HUMPHREY of Washington. I think I ought to ask this question of the gentleman in justice to the Great Lakes traffic to which he referred: Is it not a fact that the evidence as introduced before our committee shows, so far as the Great Lakes are concerned, that in the last two or three years the loss of life has been less than three in a million, or safer than it was anywhere on land?

Mr. WILSON of Pennsylvania. The loss of life has been comparatively small on the Great Lakes, but the loss of property has been heavy. There have been quite a number of very important vessels, heavily laden, that have gone to the bottom on the Great Lakes. The traffic on the Great Lakes is principally a freight traffic.

Mr. HOWLAND. Mr. Speaker, will the gentleman yield to a further question?

Mr. WILSON of Pennsylvania. Yes.

Mr. HOWLAND. Is it not a fact that the involuntary servitude, of which the gentlemen speaks is no longer in force on the Great Lakes?

Mr. WILSON of Pennsylvania. So far as the coastwise trade is concerned, it is no longer enforced anywhere in the United States. It is only so far as our foreign trade is concerned, so far as our ocean-going commerce is concerned, and that on foreign vessels in our ports, that involuntary servitude still continues.

Mr. HOWLAND. Then really the only effect that the gentleman is striving to accomplish by this legislation, with reference



to the Great Lakes, is the employment of what he terms skilled seamen in the Great Lakes service?

Mr. WILSON of Pennsylvania. That is one of the purposes that is sought, and it is also sought to change the law so that it can not be used to impose slavery on the seamen on the Great Lakes. It might be used now, although it is not used. It is sought to change it so that it can not be used to compel workmen to engage in service that is distasteful to them, or continue in it after they desire to leave that service.

Mr. HOWLAND. Would not the gentleman be willing, under these circumstances, to accept an amendment exempting the Great Lakes from the operation of this bill, which he admits does not in many respects apply to the Great Lakes?

Mr. WILSON of Pennsylvania. No; I would not agree to an amendment of that kind. In fact, I would oppose it. It is well known that in times of storm the Great Lakes are as dangerous as the ocean, and there is just as much necessity for skill in handling vessels on the Great Lakes as there is on the ocean; and for that reason, if for no other, I would be opposed to any amendment like that suggested by the gentleman from Ohio.

Mr. HOWLAND. We all agree to the proposition, of course, which has just been stated by the gentleman from Pennsylvania. I do not want to trespass upon his time, but I deny that any substantial number of our seamen in the Lake service are unskilled seamen, and the record of loss of life and property on the Great Lakes substantiates my statement.

Mr. WILSON of Pennsylvania. I am glad to yield to the gentleman if he will proceed with his question without taking up the time for explanations.

Mr. HOWLAND. I am very much interested in the gentleman's definition of involuntary servitude with reference to contracts for personal labor. Does the gentleman go to the extent of holding that a contract for personal labor is involuntary servitude?

Mr. WILSON of Pennsylvania. I go to the extent of saying that whenever any person makes a contract to perform labor, and after having made that contract desires to cease those labors, if you compel him to continue them that constitutes involuntary servitude; and this fact stands out, that if you can by law compel a man to work for one second after he desires to cease working, then you can compel him to make a contract to work for his entire lifetime by virtue of his necessities. And that would give you not only a brief period of involuntary servitude, but a lifetime of involuntary servitude.

Mr. HOWLAND. Just one other question. Under the gentleman's definition of involuntary servitude, would he hold that where there is existing a contract for the period of six months for personal services, and at the end of three months the man who is hired desires to quit his employment and does so, and there is a balance due him on his contract for personal services, the employer should not have the right, for breach of that contract, to a counterclaim on the amount due for breach of the contract?

Mr. WILSON of Pennsylvania. The employer would not have the right to withhold the wages that are due, but would have the right to sue the man in the civil courts and to recover such damages as the court should award, and collect them as other judgments are collected.

Mr. HOWLAND. I am assuming, of course, that the laborer has sued on his contract to recover the balance of wages due him for three months' service where the contract is for six months' service. Suppose there is a small amount due him. The employer comes into court and sets up a counterclaim that he has been damaged by the breach of the contract. Would the gentleman hold that the counterclaim under those circumstances should be void in law?

Mr. WILSON of Pennsylvania. I would hold that the subject matter of the damages done would be purely within the jurisdiction of the court to determine, but there would be no right on the part of the employer to compel the individual workman to continue his service.

Mr. HOWLAND. My question did not relate to that. Specific performance of a contract for personal service has never been allowed in the civil courts, not having maritime jurisdiction.

Mr. WILSON of Pennsylvania. Labor is a part of the man himself, and you can not control that power to labor without controlling the man; and when you control the man against his will it is involuntary servitude.

Mr. HUMPHREY of Washington. Will the gentleman yield for a question?

Mr. WILSON of Pennsylvania. Certainly.

Mr. HUMPHREY of Washington. I will ask the gentleman if it is not true that in several places in this bill you specifically take away from a sailor the right to contract.

Mr. WILSON of Pennsylvania. We do.

Mr. HUMPHREY of Washington. Do you not to that extent, then, take away from him the power to sell his labor?

Mr. WILSON of Pennsylvania. We take away from him the power to contract, because that power to contract has been used by the shipowners as a means of oppression of the sailor. The sailor has been looked upon as being one of the wards of the Nation, and it is one of our duties to see that he is protected against any unfair and unjust discrimination in the making of contracts.

Mr. HUMPHREY of Washington. Mr. Speaker, without implying by the question any agreement or disagreement with the gentleman's views, I want to ask him this: If you are going to protect the sailor, as the gentleman says, from certain contracts made with the shipowner—and I am free to say that I think he ought to be in a great many particulars, and have no dispute with the gentleman about that, and that being true and recognizing him as he always has been recognized as a ward of the Nation—does the gentleman not think that we ought also to compel him, where it is just, to carry out his contracts? Does the gentleman not think that he ought to be a ward both ways?

Mr. WILSON of Pennsylvania. Mr. Speaker, if the gentleman puts in the qualification of its being just, of course I could agree with him, but it is a very general term, and the question would naturally arise, Where is it just? Is it just to allow crimps to bleed him? Is it just to allow him to be imposed upon on shipboard and to have no opportunity of leaving the service until he gets back to the port from which he sailed?

Mr. HUMPHREY of Washington. I admit that all things should protect him from the crimp. I will go as far as the gentleman will on that. I live on the seacoast and I know some of the evils. But why should you take away from the sailor the power to make a contract on the Great Lakes which he should sign for the round trip, and not demand his wages until he gets back?

Mr. WILSON of Pennsylvania. Mr. Speaker, practically the same conditions exist on the Great Lakes as on the seacoast. The colloquy which I was about to quote from the hearings on the seamen's bill occurred between Mr. H. D. Golder, attorney for the Lake Carriers' Association, and myself, and is found on pages 237 and 238 of the hearings, and is as follows:

Mr. WILSON. Doesn't the association also set up a standard of efficiency for able seamen and ordinary seamen, etc.?

Mr. GOLDER. No; they have not attempted to fix any standard. They have not attempted to do that other than in this way. They have left that with their officers, who are very anxious, of course, and always anxious to have good, efficient men to perform their duties. The engineer wants efficient assistants, and so the policy of the Lake Carriers' Association has been to let the chief engineer determine his own help. Of course not absolutely, but it would be a rare thing, I think, to go in any of the ships on the Lakes and see a first or a second assistant, or a third, or an oiler on board a ship who was not satisfactory to the chief engineer.

Mr. WILSON. Doesn't the association issue certificates of ascertained fitness?

Mr. GOLDER. No; they issue simply a book. They did issue a certificate certifying that upon the best information that a man was competent for a certain kind of work. They would not employ a man and never do, but they would give that certificate of ascertained competency to their members as the best information that they could get about it. It is up to the officer in charge to try and get as good men as he can.

Mr. WILSON. That was presented for the purpose of enabling the different shipmasters to determine the fitness of a particular man for the position that he was to be employed for?

Mr. GOLDER. Well, it was merely to enable them to give the best information to the members that they could. They did that, and that was all there was of it.

Mr. WILSON. If it was deemed necessary for the Lake Carriers' Association to find out the fitness of the men for the various positions in order to promote the welfare of the business, what objection can there be to the law requiring that that fitness shall be ascertained?

Mr. GOLDER. Ethically and theoretically there isn't a shadow of objection to it. Practically, it would be a very great burden on your inspectors. You would have to increase the inspection service very much, and my chief objection to that is, I wouldn't care much about it myself, but my personal opinion from observation and knowledge of the subject is that I should object to putting that expense upon the Government, because I do not think that the Government can get any proper and adequate return for its money.

Thus it will be seen that the shipowners themselves realize the necessity of some standard of efficiency for seamen on the Great Lakes. They admit that it is ethically and theoretically right that the law should require that the fitness of seamen for their respective positions shall be ascertained.

The only objection is that of the expense which it would be to the Government.

This bill has been drawn with a view to determining the fitness of seamen, based upon three years' service on deck at sea under regulations which will not materially increase the present cost of inspection.

It has been suggested in this debate that the deck crews are not the only ones employed on board of vessels who may be skilled in handling a lifeboat, and that is true. Here and there

may be found a man in some of the departments, or even a passenger, who may be skilled in handling a lifeboat and who would be of some service in the event of an accident necessitating the lowering of boats.

The men employed on a vessel are divided into three separate departments, each having duties peculiar to itself—the steward's department, the engineer's department, and the deck department.

Neither the steward's nor the engineer's department have to do with the navigation of the vessel. That belongs to the deck department, and there is where skill for navigation purposes should be required and found.

It is not the duty of a waiter or a cook, a passer, a fireman, or an engineer to see to the safe navigation of a vessel; it is the duty of the deck department.

It is an old saying and a true one, "That what is everybody's business is nobody's business." The department whose duty it is to navigate the vessel should be required to have a sufficient amount of skill to perform their duties and handle the vessel safely.

This bill provides a standard of efficiency for the deck crew based upon three years' experience on deck, and requires that for the first year after the passage of this act the number of skilled men shall not be less than 40 per cent of the deck crew and increases the number required at the rate of 5 per cent annually until it reaches a maximum of 65 per cent of skilled men in the deck crew. It further provides that in any event the number of skilled men in the deck department shall not be less than two for each lifeboat. Two skilled men is not all the crew that would be needed in a lifeboat. That is only a sufficient number to direct the lowering of the boat and to steer it when it gets away. It will require at least three times that number to properly man a lifeboat, and the additional number can readily be made up from the other two departments if need be. But those two departments should not be called upon or expected to furnish the skill necessary for the proper handling of the boat.

It has been contended in opposition to this bill that it is placing too much power in the hands of one man to permit him, by affidavits setting forth the fact that the law is not being complied with, to cause a muster of the crew of a vessel to be made. And it is contended by the gentleman from Washington that that might mean a delay of one or two days in dispatching a vessel. As a matter of fact, there is not a vessel afloat whose crew can not be mustered, their certificates of competency examined, and each member of it questioned to determine his language qualifications inside of three or four hours.

It should be remembered in discussing this part of the bill that no penalty is provided for any vessel failing to comply with this section other than that the crew may leave, or a collector of a port may detain it and refuse to give it clearance. To make it difficult under those circumstances to have a muster of the crew made would tend to destroy the purpose of the bill relative to the equalization of the operating expenses of foreign with domestic vessels. Every influence that any foreign country could exert would be utilized to prevent a muster of the crew being made, in order that they might continue to retain the commercial advantages they now have. This section is safeguarded by the fact that any man who makes a false affidavit for the purpose of detaining the vessel, through spite or other improper motive, would be liable to prosecution under the provisions of section 5392 of the Revised Statutes, which reads as follows:

Every person who, having taken an oath before a competent tribunal, officer, or person, in any case in which a law of the United States authorizes an oath to be administered, that he will testify, declare, depose, or certify truly, or that any written testimony, declaration, deposition, or certificate by him subscribed is true, willfully and contrary to such oath states or subscribes any material matter which he does not believe to be true, is guilty of perjury, and shall be punished by a fine of not more than \$2,000, and by imprisonment at hard labor not more than five years; and shall, moreover, thereafter be incapable of giving testimony in any court of the United States until such time as the judgment against him is reversed.

Time and time again we have heard the statement made on this floor that the American flag is no longer found floating on the masthead of vessels in foreign ports. We have heard expressions of humiliation and shame because of this fact, and we have been urged to subsidize our foreign-going shipping in order to remedy the evil. Our export trade and our import trade is immense; to carry it or any considerable portion of it in American bottoms would require subsidies far beyond any amount the American people would stand for. The cause would still remain, requiring the continuation of the subsidy for an indefinite period.

If you want to build up your merchant marine, you must first make it as profitable for American capital to invest in shipping as it is for it to invest on land, and, second, make the conditions of life and employment at sea as favorable to the workmen as the conditions on land. When you have done these two things a merchant marine will be built up with American capital and an American personnel in the crew.

Give us this bill and the "free-ship bill" and you will have taken a great stride toward an American merchant marine. The seaman will be free, his condition will improve, and the American man and boy will seek a seafaring life in sufficient numbers to man all our vessels in peace or war. The commercial advantages which the foreign shipowner has had will be removed, American capital will find profitable investment at sea, and the American seaman, with his self-respect restored, will stand out as a model of seamanship to all the world.

Mr. LEVY. Mr. Speaker, I make the point of no quorum.

The SPEAKER pro tempore. The gentleman from New York makes the point of no quorum. Evidently there is not a quorum present.

Mr. HARDWICK. Mr. Speaker, I move a call of the House.

Mr. ALEXANDER. Mr. Speaker, I move a call of the House.

The SPEAKER pro tempore. The question is on the motion of the gentleman from Georgia that a call of the House be ordered.

The question was taken, and the motion was agreed to.

The SPEAKER pro tempore. The Sergeant at Arms will notify absentees, the Doorkeeper will close the doors, and the Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

Adair	Dodds	Lafferty	Redfield
Ames	Doremus	Lamb	Reyburn
Anderson, Minn.	Draper	Langley	Riordan
Andrus	Driscoll, M. E.	Lawrence	Roberts, Nev.
Ansberry	Dyer	Legare	Robinson
Anthony	Ellerbe	Lenroot	Rothermel
Austin	Fairchild	Lewis	Rucker, Mo.
Barnhart	Farr	Lindsay	Sabath
Bartholdt	Ferris	Linthicum	Saunders
Bartlett	Finley	Longworth	Scully
Bates	Flood, Va.	Loud	Shackleford
Bathrick	Fordney	McCall	Sharp
Bell, Ga.	Fornes	McCoy	Sheppard
Boehne	Gardner, N. J.	McCreary	Sherwood
Bradley	Garrett	McGuire, Okla.	Simmons
Brantley	Gillett	McHenry	Slayden
Brown	Glass	McKellar	Slemp
Browning	Goeke	McKenzie	Smith, J. M. C.
Burgess	Goldfogle	McKinley	Smith, Saml. W.
Burke, Pa.	Gould	Macon	Smith, Cal.
Butler	Graham	Madden	Smith, N. Y.
Byrns, S. C.	Gregg, Pa.	Maher	Sparkman
Calder	Griest	Martin, S. Dak.	Stack
Callaway	Guernsey	Matthews	Stephens, Miss.
Campbell	Hamill	Miller	Sulloway
Cantrill	Hamilton, Mich.	Moon, Pa.	Sweet
Carlin	Hammond	Moon, Tenn.	Taggart
Carter	Harris	Moore, Tex.	Talbott, Md.
Cary	Harrison, N. Y.	Morgan	Talcott, N. Y.
Catlin	Hartman	Morse	Thomas
Clark, Fla.	Heald	Mott	Tilson
Clayton	Helm	Murdock	Towner
Collier	Henry, Conn.	Murray	Townsend
Conry	Henry, Tex.	Nelson	Tuttle
Covington	Higgins	Nye	Vare
Cox, Ohio	Hinds	Olmsted	Vreeland
Cravens	Hobson	O'Shaunessy	Webb
Cullop	Holland	Page	Wedemeyer
Curley	Hughes, Ga.	Palmer	Whitacre
Currler	Hughes, N. J.	Parran	White
Daugherty	Hughes, W. Va.	Patten, N. Y.	Wilder
Davenport	Humphreys, Miss.	Patton, Pa.	Wilson, Ill.
Davidson	Jackson	Peters	Wilson, N. Y.
De Forest	Johnson, Ky.	Porter	Wood, N. J.
Denver	Kindred	Powers	Woods, Iowa
Dickson, Miss.	Kinkaid, N. J.	Pray	Young, Tex.
Dies	Konig	Pujo	
Difenderfer	Kopp	Randell	

During the calling of the roll, at the end of the list of names, the following occurred:

The SPEAKER. One hundred and seventy-nine Members have answered to their names.

Mr. UNDERWOOD. Mr. Speaker, I move that the Sergeant at Arms be instructed to arrest absentees, and bring them before the bar of the House, and that the Speaker be authorized to sign the necessary forms.

The motion was agreed to.

After several additional Members had answered to their names,

The SPEAKER. One hundred and ninety-nine Members are present, a quorum.

Mr. UNDERWOOD. Mr. Speaker, I move to dispense with further proceedings under the call.



The SPEAKER. The question is on the motion of the gentleman from Alabama to dispense with further proceedings under the call.

The question was taken; and on a division (demanded by Mr. MANN) there were—ayes 76, noes 0.

So the motion was agreed to.

The doors were opened.

#### PENSIONS.

Mr. RICHARDSON. Mr. Speaker, I call up the conference report on the bill (S. 6978) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the Civil War, and to widows and children of such soldiers and sailors.

The SPEAKER. The Clerk will read the conference report.

The Clerk read the conference report, as follows:

#### CONFERENCE REPORT (NO. 1035).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 6978) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its amendment numbered 1.

WILLIAM RICHARDSON,

WM. A. DICKSON,

*Managers on the part of the House.*

P. J. McCUMBER,

HENRY E. BURNHAM,

*Managers on the part of the Senate.*

The statement is as follows:

#### STATEMENT.

Amendment No. 1: This is the case of Gust Carlson (S. 428). In this case there is some question as to the incurrence of permanent disability in the service; but that the soldier is now in deplorable physical condition is vouched for by the Senator who is acquainted with the circumstances, and in view of those statements and the fact that the soldier was injured in the service, the House recedes from its amendment striking the item from the bill.

WILLIAM RICHARDSON,

WM. A. DICKSON,

*Managers on the part of the House.*

Mr. RICHARDSON. Mr. Speaker, I move that the House agree to the conference report.

The motion was agreed to.

Mr. RICHARDSON. Mr. Speaker, I call up the conference report on the bill (S. 5623) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to certain widows and dependent relatives of such soldiers and sailors.

The conference report was read as follows:

#### CONFERENCE REPORT (NO. 1034).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 5623) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to certain widows and dependent relatives of such soldiers and sailors, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House numbered 1, and agree to the same.

WILLIAM RICHARDSON,

WM. A. DICKSON,

*Managers on the part of the House.*

P. J. McCUMBER,

HENRY E. BURNHAM,

*Managers on the part of the Senate.*

The statement is as follows:

#### STATEMENT.

Amendment No. 1: The amendment strikes from the bill the name of Anna Jones Banks (S. 4765). This is a case in which

the Senate proposed to pension the widow of a soldier of the Indian wars who had not served 30 days. The House cut the item from the bill on the grounds that it has not been customary to pension widows of soldiers of the Indian wars who did not serve 30 days. The Senate agrees to the amendment.

WILLIAM RICHARDSON,

WM. A. DICKSON,

*Managers on the part of the House.*

The question was taken, and the conference report was agreed to.

Mr. RICHARDSON. Mr. Speaker, I also call up the conference report on the bill (S. 6340) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to certain widows and dependent relatives of such soldiers and sailors.

The conference report was read as follows:

#### CONFERENCE REPORT (NO. 1033).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 6340) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and certain widows and dependent relatives of such soldiers and sailors, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendments of the House numbered 1, 2, and 3, and agree to the same.

WILLIAM RICHARDSON,

WM. A. DICKSON,

*Managers on the part of the House.*

P. J. McCUMBER,

HENRY E. BURNHAM,

*Managers on the part of the Senate.*

The statement is as follows:

#### STATEMENT.

Amendment No. 1 (the case of Michael Grace, S. 782): In this case the evidence is not conclusive that soldier's disability is due to service, and the item was stricken from the bill by the House. The Senate agrees to the amendment of the House.

Amendment No. 2 (the case of Perry L. Sargent, S. 3825): The Senate proposed to increase the pension of soldier from \$17 to \$24 per month, based largely upon a disability incurred since his service. The House strikes the item from the bill and the Senate agrees to the amendment.

Amendment No. 3 (the case of Arthur W. S. Maw, S. 5345): This is the case of a soldier who had four terms of service in the Regular Army and who was discharged from the service on account of disability not due to service. There is some question as to incurrence of disability in line of duty and the Senate recedes from its disagreement to the amendment of the House.

WILLIAM RICHARDSON,

WM. A. DICKSON,

*Managers on the part of the House.*

The question was taken, and the conference report was agreed to.

#### FIVE CIVILIZED TRIBES.

Mr. STEPHENS of Texas. Mr. Speaker, I call up the conference report on the bill (S. 4948) to amend an act approved May 27, 1900, entitled "An act for the removal of restrictions from part of the land of allottees of the Five Civilized Tribes, and for other purposes."

The conference report was read as follows:

#### CONFERENCE REPORT (NO. 1036).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 4948) to amend an act approved May 27, 1900, entitled "An act for the removal of restrictions from part of the lands of allottees of the Five Civilized Tribes, and for other purposes," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the House amendment and agree to the same with the following amendment:

"Provided, That no conveyance of any interest by a full-blood heir of inherited allotted land heretofore or hereafter

made shall be valid unless approved by the county court, sitting in probate, of the county where the deceased allottee was a resident at the time of his death."

JNO. H. STEPHENS,  
J. M. GUDGER, Jr.,  
CHAS. H. BURKE,

*Managers on the part of the House.*

ROBERT J. GAMBLE,  
MOSES E. CLAPP,  
WM. J. STONE,

*Managers on the part of the Senate.*

The statement is as follows:

#### STATEMENT.

The amendment of the House does not require conveyances by full bloods of inherited allotted land to be approved by the county court or anyone else.

The act of May 27, 1908, required the conveyance to be approved by the county court, and Senate bill 4948 as it passed the Senate also contains a similar provision to the one suggested herein requiring the conveyance before it should be valid to be approved by the court having jurisdiction of the estate of the deceased.

The necessity for the passage of this act, as will be shown by the report of the House committee as well as the Senate committee, is because the Attorney General of the United States has rendered an opinion holding that where the allottee died prior to May 27, 1908, although the conveyance was not made until after May 27, 1908, the deed would have to be approved by the Secretary of the Interior, and the United States court for the eastern district of Oklahoma and the State's courts have held that the date of the death of the allottee was immaterial when the conveyance was not made until after the act of May 27, 1908, went into effect.

In other words, they held that the provision of the act of May 27, 1908, related to the date of the conveyance and not to the date of the death of the allottee, and this act is to clear up the question or controversy as to the date of the conveyance being approved by the county court.

The report (No. 549) of the House on the said Senate bill No. 4948 is further explanatory of the object and necessity for this legislation and is as follows:

[House Report No. 549, Sixty-second Congress, second session.]

#### REMOVAL OF RESTRICTION FROM LANDS OF ALLOTTEES OF THE FIVE CIVILIZED TRIBES.

Mr. Carter, from the Committee on Indian Affairs, submitted the following report, to accompany Senate bill 4948:

The Committee on Indian Affairs, to whom was referred the bill (S. 4948) to amend an act approved May 27, 1908, entitled "An act for the removal of restrictions from part of the lands of the allottees of the Five Civilized Tribes, and for other purposes," having duly considered the same, reports the bill without amendment and recommends that it do pass.

Your committee adopts the report of the Senate Committee on Indian Affairs on this bill, which is as follows:

[Senate Report No. 548, Sixty-second Congress, second session.]

Your committee, having had under consideration Senate bill 4948, recommends that it pass.

By the act of April 26, 1906 (34 Stat. L., 137), it was provided in section 22 that deeds of full-blood Indian heirs should be subject to the approval of the Secretary of the Interior.

By section 9 of the act of May 27, 1908, a new method was provided, as follows:

"Sec. 9. That the death of any allottee of the Five Civilized Tribes shall operate to remove all restrictions upon the alienation of said allottee's land: *Provided*, That no conveyance of any interest of any full-blood Indian heir in such land shall be valid unless approved by the court having jurisdiction of the settlement of the estate of said deceased allottee."

The Supreme Court of Oklahoma has held that the fact of death, under the act of May 27, 1908, authorized the conveyance of any interest of any full-blood heir to be approved by the probate court of Oklahoma, and many deeds have been taken in accordance with this decision, regardless of whether the allottee died prior to May 27, 1908, or not.

The United States district court rendered a decision to the same effect in the case of *Harris v. Gale* (188 Fed., 712), and no appeal was taken from this decision, which was rendered June 29, 1911—nearly a year ago. Judge Campbell, the United States district judge, in his opinion, says:

"There being no conceivable reason why Congress should have intended to distinguish between conveyances by full-blood heirs of inherited lands made subsequent to the act of May 27, 1908, where the ancestor died prior to that date and where the ancestor died subsequent to that date, and the language of the act itself not so clearly evincing such an intention as to preclude the contrary construction, it is decided that by the said act any full-blood Indian heir of any deceased allottee of the Five Civilized Tribes is authorized to convey any interest in the lands inherited by him from such deceased allottee, upon approval thereof by the court having jurisdiction of the settlement of the estate of such deceased allottee, whether such death occurred before or after May 27, 1908, and the approval of such conveyance by the Secretary of the Interior is not required. Of course, in cases where such heir is a minor, the procedure to secure the necessary order and approval of the court must be as in cases of other minors."

The reason for the necessity of this act is that the Interior Department, through the Attorney General, has held that in cases where the death of allottee occurred prior to May 27, 1908, title passing by deed to the heirs could only be valid with the approval of the Secretary of the Interior, under the act of 1906.

Both the Federal court and the State court having held to the contrary, it is necessary that this act should be passed for the purpose of removing the cloud from these titles.

For the reasons given the committee advises the immediate passage of this bill.

JNO. H. STEPHENS,  
J. M. GUDGER, Jr.,  
CHAS. H. BURKE,

*Managers on the part of the House.*

The SPEAKER. The question is on agreeing to the conference report.

Mr. MANN. Mr. Speaker, this bill, with a Senate amendment now proposed to be agreed to, entirely eliminates the control of the Indian Office from the sale of allottees' land covered by the provisions of the bill. When the bill was before the House the gentleman from Oklahoma, who is interested in the matter, made a suggestion, which was agreed to, and the Senate bill was passed with the suggestion by unanimous consent. Now comes a proposition from the Senate requiring that every sale shall be approved by the probate court, and it is not the intention to have those sales approved both by the probate court and the Indian Office. The original act provided that certain sales should be approved by the probate court. I want to know the reason for entirely eliminating the control of the Indian Office and the Secretary of the Interior over any of these sales.

Mr. STEPHENS of Texas. I will state to the gentleman that was done in the act of May 27, 1909.

Mr. MANN. If it is already done by an act, why is it now being done in another act by an amendment?

Mr. STEPHENS of Texas. The Attorney General held that this act only applied to deeds heretofore made for lands in this character of cases, and it is the intention of Congress, as evidenced by the decisions of the court, both of Oklahoma and the Federal courts in Oklahoma, that this should apply to both those heretofore and those hereafter made, and this language is placed in this bill so that it should apply to both classes of cases, and it is for the purpose of removing a cloud from the title of these lands that we prepared and put through this bill.

The words "heretofore and hereafter made" is the material change in law, so that it is made to apply to both classes of cases.

Mr. MANN. Mr. Speaker, all that the gentleman from Texas has said upon the subject now does not relate at all to the Senate amendment which it is now proposed to agree to, but relates to the original bill as it passed both the House and the Senate. Here was the bill we passed, and the Senate put on a certain proposition for the purpose of having certain sales confirmed by the county or probate court instead of the Secretary of the Interior. That was agreed to by the House—that bill and that proposition. Now, when that goes back to the Senate the Senate injects another proposition to require all sales of allottees to be approved by the probate court, and the gentleman has yet not referred to that Senate amendment or the reason for it.

Mr. STEPHENS of Texas. Does not the gentleman think that that should be done, and that all sales of Indian lands of deceased Indians, when the Indian inheriting has made title, should be approved by the probate court of the county for the reason that the Indian dying in any of those counties is controlled by the probate court of that county. It is just the same probate law that applies to a white man's estate who dies, and whose estate becomes subject to the same rules and regulations as we provide by this bill for Indians.

Mr. MANN. I think the sales ought to be approved by some disinterested party, and in a great many cases it is a good deal safer to leave it with the Indian Office than it is with the judge of the probate court in Oklahoma. There have been cases in Oklahoma where it was known that the probate judge deliberately entered into a conspiracy for the purpose of swindling the Indians out of their property. The people have retired those judges, I believe, and now comes the proposition to provide that all Indian sales shall be confirmed by the probate court, going further than the original bill, and if it were intended to have that supplemental approval by the Indian Office I would not have any complaint to make, but it is intended to take the place of the approval by the Indian Office, as I understand it.

Mr. BURKE of South Dakota. Will the gentleman yield?

Mr. MANN. Certainly.

Mr. STEPHENS of Texas. I yield to the gentleman.



Mr. BURKE of South Dakota. The gentleman is in error in stating that the Senate amended the bill. This is a Senate bill, and it came to the House—

Mr. MANN. Am I in error in saying this is a Senate amendment, this new proposition?

Mr. BURKE of South Dakota. The gentleman certainly is.

Mr. MANN. The gentleman does not know to what he is referring.

Mr. BURKE of South Dakota. Just a moment and I will show whether I am or not. This is a Senate bill and the House amended it. The Senate disagreed to the amendment and asked for a conference.

Mr. MANN. That is right.

Mr. BURKE of South Dakota. The Senate receded from their disagreement to the amendment of the House with an amendment, and that was done in conference.

Mr. MANN. That is the amendment I am talking about.

Mr. BURKE of South Dakota. Now, the reason for the amendment by the conferees was because, by the House amendment, it was thought that no approval was required either by the county court or the Interior Department, and it was thought that there ought to be some tribunal that would have to approve sales.

Mr. MANN. Do I understand the gentleman to say that the Senate having passed a bill for the express purpose of providing for an approval by the probate court and the House having passed a bill for the same purpose, that the conferees concluded that neither bill would cover that subject?

Mr. BURKE of South Dakota. No. The House amended the bill. I do not remember in just what particular, but I was present in the Senate when the matter went to conference, and it was stated on the floor of the Senate that as the House had amended it, it did not require approval of either the county court or Secretary of the Interior.

Mr. MANN. I will not undertake to quote what was done in the Senate, although I read all the debate on the subject. They propose to have inserted through the conferees an amendment which was offered in the Senate—

Mr. BURKE of South Dakota. Let me call the gentleman's attention—

Mr. MANN. An amendment which was offered in the Senate to require all the sales to be approved.

Mr. BURKE of South Dakota (continuing). To the original purpose of the bill. For instance, there was an act passed, I think in 1906, and it provided that deeds of full-blood Indian heirs should be subject to the approval of the Secretary of the Interior. That was the act of 1906, and by the act of May 27, 1908, the law was changed to the effect that the approval should be by the probate courts in Oklahoma. Now, it seems that in some opinion of some Federal official, I think the Attorney General, it was held that sales made where the allottee died prior to the 1908 act would have to be approved by the Secretary of the Interior.

Mr. MANN. But they were not covered by the act.

Mr. BURKE of South Dakota. It caused a cloud upon titles where land had been conveyed. The courts held, as I understand it, contrary to the opinion of the Attorney General, and this act is simply to clear the titles of a cloud that otherwise remains there by reason of this difference between the Attorney General and the courts.

Mr. MANN. Let us see whether it does or not. We passed an act to provide that certain sales should thereafter be approved by the probate court or the county court in Oklahoma. The Attorney General held that that did not apply to sales made previously.

Mr. BURKE of South Dakota. Yes, sir.

Mr. MANN. Of course, those sales made previously had not been approved by the probate court, because there was no authority for them to do so. They had been approved by the Secretary of the Interior because that was what the law required. Now you say the proposition is to require all those sales to be approved by the county court in order to remove the cloud on the title?

Mr. BURKE of South Dakota. The Supreme Court of Oklahoma held—

That the fact of death, under the act of May 27, 1908, authorized the conveyance of any interest of any full-blood heir to be approved by the probate court of Oklahoma, and many deeds have been taken in accordance with this decision, regardless of whether the allottee died prior to May 27, 1908, or not.

The United States district court rendered a decision to the same effect in the case of *Harris v. Gale* (188 Fed., 712), and no appeal was taken from this decision, which was rendered June 29, 1911—nearly a year ago. Judge Campbell, the United States district judge, in his opinion, says:

"There being no conceivable reason why Congress should have intended to distinguish between conveyances by full-blood heirs of inherited lands made subsequent to the act of May 27, 1908, where the

ancestor died prior to that date and where the ancestor died subsequent to that date, and the language of the act itself not so clearly evincing such an intention as to preclude the contrary construction, it is decided that by the said act any full-blood Indian heir of any deceased allottee of the Five Civilized Tribes is authorized to convey any interest in the lands inherited by him from such deceased allottee, upon approval thereof by the court having jurisdiction of the settlement of the estate of such deceased allottee, whether such death occurred before or after May 27, 1908, and the approval of such conveyance by the Secretary of the Interior is not required."

That was a decision of a United States district judge, and no appeal was taken from that decision.

Mr. MANN. That was covered by the act that was passed by the House and passed by the Senate. Does the gentleman pretend to say—

Mr. BURKE of South Dakota. If the gentleman will get the act—

Mr. MANN. We had it in the House here for several weeks—the act passed by the Senate—and the act passed by the House did not correct that difficulty.

Mr. BURKE of South Dakota. My understanding is it did not.

Mr. MANN. We need new Committees on Indian Affairs in both the House and Senate, then.

Mr. BURKE of South Dakota. It did, perhaps, so far as removing clouds on the title was concerned, but it was thought that, unless we put in that proviso, in the future these sales would not require the approval of either the Secretary of the Interior or the probate court.

Mr. MANN. Here was a bill which passed the Senate with the express purpose of providing that the approval of the probate court should apply to cases where the person died prior to the act referred to, and we passed the bill in the House. It was on the Unanimous Consent Calendar here for several weeks, carefully considered by the Committee on Indian Affairs, and carefully considered by the gentleman from Oklahoma [Mr. CARTER]. He discussed it with me a number of times. And now gentlemen pretend to say that that bill as passed by the Senate and passed by the House utterly failed to accomplish the purpose for which it was intended. If so, it is a very severe reflection upon the department that approved it and the two Committees on Indian Affairs which reported it and the gentlemen who represented districts who were affected by it.

There comes along a proposition now, inserted by the conferees, that nobody understands and nobody is able to explain. It was inserted in conference. I will not say that nobody understands it, but nobody has endeavored to explain it. All the talk of the gentlemen now has been about the bill as it passed the Senate and the House and not about the proposition inserted by the conferees in the bill.

Mr. STEPHENS of Texas. I will give you the reason. The reason for the necessity of this act is that the Interior Department, through the Attorney General, has held that in cases where the death of an allottee occurred prior to May 27, 1908—

Mr. MANN. The gentleman is referring to the report made by the Committee on Indian Affairs of the House on the bill as it passed the Senate and has no relation to this amendment interjected into it by the conferees.

Mr. STEPHENS of Texas. But section 9 of the act of May 27, 1908, would be apt, would it not, because it is now the law? Section 9 reads this way:

That the death of any allottee of the Five Civilized Tribes shall operate to remove all restrictions upon the alienation of said allottee's land: *Provided*, That no conveyance of any interest of any full-blood Indian heir in such land shall be valid unless approved by the court having jurisdiction of the settlement of said deceased allottee.

This bill is the substitute for that law, and that is all there is in this bill.

The law before was as I have just read. We have changed the language in this bill so as to read as follows:

*Provided*, That no conveyance of any interest by a full-blood heir of inherited allotted land heretofore or hereafter made shall be valid unless approved by the county court, sitting in probate, of the county where the deceased allottee was a resident at the time of his death.

This language, viz, "that no conveyance of any interest of any full-blood Indian heir in inherited allotted land shall be valid," and so forth, makes it more definite, and we insert the words "heretofore or hereafter" also to make it more definite. That is the language which, as I explained, would make it cover deeds made both before and after that act became a law. The new provision reads as follows, viz:

Shall be valid unless approved by the county court, sitting in probate, of the county where the deceased allottee was a resident at the time of his death.

We have put in the words "county court, sitting in probate, of the county where the deceased allottee was a resident at the time of his death," because the county courts have jurisdiction of certain other matters beside matters of probate. The words "resident at the time of his death" are new.

Mr. MANN. The gentleman will admit that this proviso, which is now in the conference report, was not in the bill as it passed the Senate and was not in the bill as it passed the House. The proviso now interjected for the first time in the conference report to which the gentleman has just referred is not in the bill as it passed the Senate and is not in the bill as it passed the House.

Mr. STEPHENS of Texas. It is substantially so. We have by this bill only made it more clear and definite. I have read both the original—or, rather, the present law—and our bill also, and compared them.

Mr. MANN. Does the gentleman say it is a repetition of the same thing that is already in the bill, or that it is new?

Mr. STEPHENS of Texas. I have read to the gentleman section 9 of the act of 1908, and also the amendment to that, as amended by this bill.

Mr. MANN. Here is the proviso interjected by the conferees:

*Provided, That no conveyance of any interest by a full-blood heir of inherited allotted land heretofore or hereafter made shall be valid unless approved by the county court sitting in probate of the county where the deceased allottee was a resident at the time of his death.*

I ask, was that provision in the bill as it passed the House or as it passed the Senate?

Mr. STEPHENS of Texas. If the gentleman will look at the same page, in the next column beside it, he will find almost the same language in the old provision of the act of 1908, which is now the law.

Mr. MANN. But was this provision in the bill as it passed the Senate and as it passed the House?

Mr. STEPHENS of Texas. It was in the bill as it passed the Senate.

Mr. MANN. Was this provision that I just read in the bill as it passed the Senate?

Mr. STEPHENS of Texas. Not exactly.

Mr. MANN. Was it in the bill in any shape as it passed the Senate?

Mr. STEPHENS of Texas. It was in the bill in both shapes.

Mr. MANN. Then why did you put it in twice?

Mr. STEPHENS of Texas. Because it was necessary, in order to get the bill to cover deeds both before that act of 1908 and deeds after that act of 1908; so as to cover both phases of the question, as I have already explained.

Mr. MANN. But if in the Senate bill we corrected the evil complained of—if it was an evil—under the original act the House does the same thing; and yet the gentleman brings in an entirely new provision and says it is already in the bill as it passed the Senate. Now, if it is already in the bill as it passed the Senate, what is the use of putting it in now? In fact, it is not in the bill as it passed the Senate, and no one seems to know the reason for it, and no gentleman has undertaken to give any reason for it. I defy anybody here or elsewhere to publicly tell why this provision is now inserted by the conferees.

Mr. BURKE of South Dakota. Mr. Speaker, I will inform the gentleman why it was put in. I thought I had already done so.

Mr. MANN. The gentleman did not do anything but discuss the original bill. I know why it was put in, but the reason for that I do not know. It was put in because, under the method of transacting conference business with the Senate, some distinguished Senators told the Senate conferees that they wanted this provision agreed to, and the Senate conferees would not agree to anything unless it was inserted. But that does not appear to me to be a sufficient reason for it.

Mr. BURKE of South Dakota. Mr. Speaker, the reason that it was done—and I thought I had already stated to the gentleman—was that the terms of the bill, in the form in which it left the House after it was amended, would at least leave a doubt as to whether these sales would have to be approved by anybody, and in order to settle it we have stated that sales must be approved by the county court, sitting in probate, in the county where the deceased allottee was a resident at the time of his death.

Mr. MANN. That may be a sufficient excuse for the gentleman, but I remember the bill as it passed the House. There was no possible excuse for saying there was any doubt about it. The bill expressly provided that these sales should be approved by the county court, whereupon they insert a new provision, which can not be explained on the theory that the House bill left it in doubt. It did not leave it in doubt at all. I dare say that the real reason for this amendment will not be known until it is put into execution.

Mr. BURKE of South Dakota. Will the gentleman point out where that provision is?

Mr. MANN. I have not the bill here, but I will read the report of the committee that the gentleman made, if he wants the report read, covering the whole case on the Senate bill. The gentlemen have printed it as a part of the conference report. The bill shows that it covers what the gentleman refers to. It was discussed on the floor of the House.

Mr. BURKE of South Dakota. The report that was printed as a part of the conference report was the Senate report. The bill went back to the Senate in a different form from which it passed the Senate.

Mr. MANN. I beg the gentleman's pardon. It is the House report that is printed. The legend reads, "Mr. CARTER, from the Committee on Indian Affairs, submitted the following report." Mr. CARTER is the gentleman from Oklahoma in the House.

Mr. STEPHENS of Texas. Mr. Speaker, will the gentleman please state to us what objection he has to the county courts of Oklahoma, the courts that pass upon all probate matters affecting the titles of all the citizens of Oklahoma, passing upon Indian titles? And will the gentleman say why it is not a court of competent jurisdiction to pass upon these titles? In 1908, as I have stated frequently, the jurisdiction to approve these sales was given to this court by Congress and withdrawn from the Secretary of the Interior, and we are only amending the act of 1908, giving jurisdiction, by giving more explicit jurisdiction to that court and making it more definite.

Mr. MANN. But we let the county court practically pass upon the question of the ability of the Indians to make proper sales. We practically let the county court remove the restrictions upon Indian sales. Everyone here knows what that will accomplish. For years we have endeavored to protect the full-blood Indians or three-quarter blood Indians from being robbed of their land. We passed a bill two or three years ago, the so-called Clapp amendment, in reference to the White Earth Indian Reservation. We have had an investigation of that, both in the House and in the Department of Justice. Those investigations disclosed that a very large share of the Indians were being robbed—if that is the proper term to use—of their lands through sales which they were making, deeds which they were making. Now the gentleman proposes that the local authorities, purely and solely in sympathy with the local people, shall be the ones who shall judge and determine whether the allottees of any Indian are capable of transferring the title to the real estate. God help the Indians under such conditions!

Mr. BURKE of South Dakota. That is the law now. It was passed in 1908.

Mr. STEPHENS of Texas. It has been the law for four years.

Mr. MANN. That is the law as to certain cases.

Mr. BURKE of South Dakota. Yes; as to certain cases, as to those who died subsequent to that date.

Mr. MANN. As to certain cases. That is bad enough. The amendment of the conferees proposes that no conveyance of any interest by a full-blood heir of inherited or allotted lands, heretofore or hereafter made, shall be valid unless approved by the county court, intending to confer jurisdiction upon the county courts of Oklahoma to determine whether a full-blood Indian ought to sell his land.

Mr. FOSTER. It takes it entirely out of the hands of the General Government.

Mr. MANN. That is the intention.

Mr. BURKE of South Dakota. That is what the act of 1908 did.

Mr. FOSTER. And it gives the legal control to the county court of Oklahoma.

Mr. BURKE of South Dakota. That is what is done by the act to which this is an amendment.

Mr. MANN. The act to which this is an amendment did it in part, and the purpose of this act is to extend the authority of the original act.

Mr. FOSTER. And make it complete.

Mr. MANN. This is proposed to cover every case.

Mr. STEPHENS of Texas. It only amends the act of 1908.

Mr. MANN. No one knows whether it applies solely to the Five Civilized Tribes or not, although that is the act that is amended. Here is a proviso that is a good deal broader than that act. I think that is the purpose of sticking it in here, to claim that it applies outside of the Five Civilized Tribes. Will any member of the conference committee deny that it does apply outside of the Five Civilized Tribes?

Mr. BURKE of South Dakota. I do not think anyone can assert that it does, with any expectation of sustaining that contention.

Mr. MANN. That it does or does not?



Mr. BURKE of South Dakota. The act applies specifically to and proposes an amendment to an act dated May 27, 1908, entitled "An act for the removal of restrictions from part of the lands of allottees of the Five Civilized Tribes"—

Mr. MANN. We often stick something into a law which the title does not cover. I venture to say it will be claimed that it applies to all sales, regardless of the Five Civilized Tribes.

Mr. BURKE of South Dakota. Speaking as one of the conferees on the part of the House, I want to say that I can not refrain from resenting the intimation that the conferees put something into this bill for the purpose of doing something that perhaps ought not to be done. The intention of the conferees was to make it definite and certain, so that there could be no possible question about what this act does, and we, at least I, supposed that we were strengthening the act rather than doing something that would be contrary to what the act intended.

Mr. STEPHENS of Texas. In addition to what the gentleman from South Dakota has stated, I desire to call the attention of the House to the reading of the two acts. The caption of this act is "An act to amend an act approved May 27, 1908, entitled 'An act for the removal of restrictions from the part of the lands of allottees of the Five Civilized Tribes, and for other purposes.'"

Mr. MANN. And for other purposes.

Mr. STEPHENS of Texas. This is the provision, and if the gentleman will listen he will see that it is correct. It is at the bottom of the first column on page 9439 of the RECORD of July 22, 1912, and he will find it is the provision of the old law.

Mr. MANN. Oh, I have read that a dozen times.

Mr. STEPHENS of Texas. I want to call the attention of the House to the fact that there is no material difference whatever in the language, and I defy the gentleman to show it.

*Provided*, That no conveyance of any interest of any full-blooded Indian heir in such land shall be valid unless approved by the court having jurisdiction of the settlement of the estate of said deceased allottee.

That is the language, and here is our language:

*Provided*, That no conveyance of any interest by a full-blood heir of inherited allotted land heretofore or hereafter made shall be valid unless approved by the county court, sitting in probate, of the county where the deceased was a resident at the time of his death.

That is not a material change, the fact being that there is no change here except the words "inherited allotted" and inserting the words "heretofore or hereafter," so as to apply to deeds made before this act and deeds made after this act. The other change is that this probate proceeding must be in the county of the residence of the Indian. There are only three changes, and with the exception of the words "heretofore and hereafter," these changes are not material changes.

Mr. MANN. Mr. Speaker, the original law provided that the death of any allottee of the Five Civilized Tribes shall operate to remove all restrictions on the alienation of said allottee's land—

*Provided*, That no conveyance of any interest of any full-blood Indian heir in such land shall be valid unless approved by the court having jurisdiction of the settlement of the estate of said deceased allottee.

The proviso which the conferees have injected into the bill is:

*Provided*, That no conveyance of any interest by a full-blood heir of inherited allotted land heretofore or hereafter made shall be valid unless approved by the county court, sitting in probate court, of the county where the deceased allottee was a resident at the time of his death.

It is not confined, as is the original law, to such land already described in the law, but to any inherited allotted land.

Mr. STEPHENS of Texas. That is the exact language. The law itself used the words "interest in any land."

Mr. MANN. It did not. The gentleman is mistaken—

Interest of any full-blood Indian heir in such land.

That is what the law reads. I do not care to have the gentleman misquote the law in my own time. Of course, I know that he does not intend to do it. There may be this point that the gentleman has: That this matter shall be passed upon by the probate court in the county where the deceased was a resident at the time of his death. Suppose he was not a resident of Oklahoma?

Mr. STEPHENS of Texas. Then, if he was, the probate laws of that State would govern, would it not?

Mr. MANN. Of what State?

Mr. STEPHENS of Texas. Of the State of Oklahoma. A man might die outside of the State and have lands there, and the probate court would undoubtedly have jurisdiction of the estate.

Mr. MANN. Here is a provision that it must be approved by the probate court, sitting in probate court, of the county where the deceased allottee was resident at the time of his death.

Mr. STEPHENS of Texas. Would not the gentleman, as a lawyer or a judge, give his opinion that that provision is merely

directory and not mandatory, where the deceased died out of the State?

Mr. MANN. What is the purpose of it, then? Here is a provision on which it is proposed to base title, providing it must be approved by the probate court of the county where the man resided when he died. If he does not reside in the county in Oklahoma, shall some foreign court pass on it? Unless he resides in one county in Oklahoma and owns land in another county, is it the county where the land is or where the man died that is to determine whether his land is to be sold or not? I should say that it was extremely improper for us to provide in our State that in Chicago a probate judge should determine whether the heirs should sell land in Cairo, Ill. What would the judge know about the land or the value of the land or the desirability of selling the land? Yet you propose to confer upon the probate court of one county an authority to determine whether the Indians ought to sell the land, as to capacity, and whether the price is fair in some other county, perhaps a different county.

The SPEAKER. The question is on agreeing to the conference report.

The conference report was agreed to.

#### LAWS RELATIVE TO SEAMEN.

Mr. ALEXANDER. Mr. Speaker, I ask that the Clerk proceed with the reading of the seamen's servitude bill.

The SPEAKER. The Clerk will read.

The Clerk read as follows:

*Be it enacted, etc.*, That section 4516 of the Revised Statutes of the United States be, and is hereby, amended to read as follows:

"SEC. 4516. In case of desertion or casualty resulting in the loss of one or more of the seamen, the master must ship, if obtainable, a number equal to the number of those whose services he has been deprived of by desertion or casualty, who must be of the same or higher grade or rating with those whose places they fill, and report the same to the United States consul at the first port at which he shall arrive, without incurring the penalty prescribed by the two preceding sections. And in all merchant vessels of the United States the sailors shall, while at sea, be divided into at least two and the firemen into three watches, which shall be kept on duty alternately for the performance of ordinary work incident to the sailing and management of the vessel; but this provision shall not limit either the authority of the master or other officer or the obedience of the seamen when, in the judgment of the master or other officer, the whole crew is needed for the maneuvering of the vessel or the performance of work necessary for the safety of the vessel or her cargo. While the vessel is in a safe harbor no seaman shall be required to do any unnecessary work on Sundays or legal holidays, but this shall not prevent the dispatch of a vessel on regular schedule or when ready to proceed on her voyage; and at all other times while the vessel is in a safe harbor nine hours, inclusive of anchor watch, shall constitute a day's work. Whenever the master of any vessel shall fail to comply with this section the seamen shall be entitled to discharge from such vessel and shall, upon demand, receive wages then earned. But this section shall not apply to fishing or whaling vessels or yachts."

Mr. HUMPHREY of Washington. Mr. Speaker, I move to strike out the last word. I call the attention of the gentleman from Pennsylvania to line 9, page 2, and ask whether or not, in the gentleman's judgment, the rest of the section applies to all vessels of the United States, whether upon the Great Lakes or other inland waters?

Mr. WILSON of Pennsylvania. It does. It applies to those on the Great Lakes as well as those at sea.

Mr. HUMPHREY of Washington. I want to ask a further question. Take this for illustration: Suppose there is a vessel on the Great Lakes or other inland waters that runs only during the daytime. That happens very frequently. They run during the day and are tied up during the night. Would the gentleman still require three watches of firemen on those vessels; and if so, what duties would they perform?

Mr. WILSON of Pennsylvania. They would still require the three watches for the 24 hours' time, if they were 24 hours at sea.

Mr. MANN. But suppose they are not? We have lots of vessels that run across the lake in the daytime.

Mr. HUMPHREY of Washington. Mr. Speaker, I offer the following amendment, which I send to the desk.

Mr. WILSON of Pennsylvania. In my judgment the three watches would apply to a vessel under all circumstances.

Mr. MOORE of Pennsylvania. Mr. Speaker, I desire to offer a substitute for the entire section.

Mr. HUMPHREY of Washington. Mr. Speaker, I will withhold my amendment at this time if the gentleman desires to offer a substitute.

Mr. MOORE of Pennsylvania. Then, Mr. Speaker, I offer a substitute for the section.

The SPEAKER. The gentleman from Washington has yielded the floor?

Mr. HUMPHREY of Washington. I do for the purpose of his offering the substitute.

Mr. MOORE of Pennsylvania. Mr. Speaker, I ask the chairman of the committee to compare the original section with the substitute as it is read.

The Clerk read as follows:

Substitute for section 1, page 1, line 1, the following:  
 "Be it enacted, etc., That section 4516 of the Revised Statutes of the United States be, and is hereby, amended to read as follows:  
 "SEC. 4516. In case of desertion or casualty resulting in the loss of one or more of the seamen, the master shall ship, if obtainable, a number of seamen equal to the number of those whose services he has been deprived of by desertion or casualty, and such seamen so shipped shall be of the same or higher grade or rating as those whose places they fill, and the master shall report the same to the United States consul at the first port at which he shall arrive, otherwise he shall incur the penalty prescribed by the two preceding sections. And in all merchant vessels of the United States the seamen shall, while at sea, be divided into at least two and the firemen into three watches, which shall be kept alternately for the performance of ordinary work incident to the sailing and management of the vessel; but this provision shall not limit either the authority of the master or other officer or the obedience of the seamen when, in the judgment of the master or other officer, the whole crew is needed for the maneuvering of the vessel or the performance of work necessary for the safety of the vessel or her cargo. While the vessel is in a safe harbor no seaman shall be required to do any unnecessary work on Sundays or legal holidays, but this shall not prevent the dispatch of a vessel on regular schedule or when ready to proceed on her voyage; and at all other times while the vessel is in a safe harbor nine hours, inclusive of anchor watch, shall constitute a day's work. Whenever the master of any vessel shall fail to comply with this section the seamen shall be entitled to discharge from such vessel and shall, upon demand, receive wages then earned. But this section shall not apply to fishing or whaling vessels or yachts."

Mr. MOORE of Pennsylvania. Mr. Speaker, the effect of the adoption of this substitute would be to perfect the verbiage of the bill. I do not like to criticize the grammar used in this measure, but I think any one who reads it carefully will find there are a great many lapses in the various sections. For instance, in this proposed section 1 seamen are constantly referred to as "seamen," except in line 10, where they are referred to as "sailors." Since in another part of the bill it is proposed to define "able-bodied seamen" it seems to me it would be better to make the terms applicable to the men supposed to be benefited by this bill uniform. In line 3 you say in this bill "the master must ship," which is not altogether good legislative form, "if obtainable, a number equal to the number of those whose services," and so forth. The substitute proposes to add "a number of seamen," which is evidently the meaning intended by those who framed the bill.

Mr. WILSON of Pennsylvania. That is in the present statute, and I presume that is why it is followed.

Mr. ALEXANDER. From line 1 down to line 9 is practically existing law.

Mr. WILSON of Pennsylvania. The only difference, as I recall, is where it reads "the same grade" there has been inserted "the same or higher grade."

Mr. MOORE of Pennsylvania. As we go along I intend to point out several other instances which may result in confusion. If a bill of this kind becomes a law it should be made as water-tight as possible, and I think I have raised one or two questions in this substitute which indicate that you have not fully covered the ground.

Mr. WILSON of Pennsylvania. The grammar in that part of the section to which the gentleman refers may be bad. Your present committee is not responsible for that, however. It is the existing law, whether it be bad or good. The purpose is clear, and it does not seem to me to be helped any by the amendments that are proposed by the gentleman from Pennsylvania [Mr. Moore].

The SPEAKER. The question is on agreeing to the substitute offered by the gentleman from Pennsylvania.

Mr. MOORE of Pennsylvania. The substitute is offered in good faith.

The SPEAKER. Does the gentleman from Washington desire to offer an amendment to the substitute?

Mr. HUMPHREY of Washington. No.

The SPEAKER. What is it the gentleman desires?

Mr. HUMPHREY of Washington. If it is voted down I am going to offer an amendment to the paragraph.

The SPEAKER. The question is on agreeing to the substitute.

The question was taken, and the substitute was rejected.

Mr. HUMPHREY of Washington. Mr. Speaker, I offer the following amendment.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Page 2, line 10, after the word "States," insert "except those running on lakes, bays, sounds, and rivers."

Mr. HUMPHREY of Washington. Mr. Speaker, the effect of that amendment is this, that it is to limit the provisions in that section, from line 9 to the end, to vessels that are running at sea. All that portion of the section is new legislation. As it is to-day these vessels upon the Great Lakes and the inland waters are left to the local inspector to see when they are properly manned, and it is left to agreement, so far as I recall,

what the watches shall be. Now, I do not believe there is any necessity for this provision so far as the Great Lakes or inland waters are concerned. Upon the Pacific coast, in the coast-wise trade and overseas trade, I think the provision is not unreasonable, but, for instance, take on the Great Lakes. They have there the men on deck, men in the stewards' department, and they are divided in two watches. Now they propose to make the firemen in three watches, which the shipowners say would make a great deal of confusion in the running and regulation of their crews.

But that is not the reason why I oppose it so far as the Great Lakes are concerned, and there is no showing that it is necessary. So far as the Great Lakes are concerned, there has been no complaint at all, and if I understand the provision rightly it increases very greatly the number of firemen, and inasmuch as, so far as the committee knows, both the firemen and owners of the vessels are satisfied with the conditions upon the Great Lakes, it does not seem to me that this provision ought to be necessary. Now, I pointed out a while ago, take for illustration a vessel that runs for six hours and then is tied up for the rest of the day, or for 12 hours and is tied up for the night. What is the use of having three watches of firemen upon that vessel? Take one illustration along the line, and I give it because it illustrates a good many. A vessel may run from Seattle to Bellingham. For instance, they leave in the morning at 6 o'clock and arrive at Bellingham at about 6 o'clock, and they stay there during the night and then start back the next day and make the trip back. There are a great many vessels that run from one town to another only during the day, and it seems to me there is no necessity for three watches for firemen upon those vessels, whereas at sea, where men have to work 24 hours, I have no objection to it, and I think it is not an unreasonable provision, although after looking up the vessels upon the Great Lakes I was glad to find the work was not nearly as strenuous as it used to be or as I thought it would be, although it seems to me we might require this on the deep-sea vessels.

Mr. WILSON of Pennsylvania. It is true on the Great Lakes some of the modern vessels are so equipped that the labor in the fireroom is not so great and inconvenient as it was formerly, but that does not apply generally to vessels. As far as I am concerned, I really do not see any objection to an amendment to this section making it apply only to voyages of more than eight hours.

Mr. HUMPHREY of Washington. Well, it ought to be extended to more than 12 hours; it ought to be 18, at least.

Mr. MANN. Or 16.

The SPEAKER. The time of the gentleman has expired.

Mr. WILSON of Pennsylvania. Mr. Speaker—

The SPEAKER. Is the gentleman from Pennsylvania [Mr. Wilson] in favor of the amendment or against it?

Mr. WILSON of Pennsylvania. I am against it.

The SPEAKER. Then the gentleman may proceed.

Mr. McMORRAN. Mr. Speaker, this bill is a very important one; and I make a point of order that there is no quorum present.

The SPEAKER. Evidently there is not.

Mr. FOSTER. Mr. Speaker, I move a call of the House.

Mr. MANN. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER. The gentleman from Illinois [Mr. MANN] moves that the House do now adjourn.

The question was taken, and the motion was rejected.

The SPEAKER. The question is on the motion of the gentleman from Illinois [Mr. Foster] on ordering a call of the House.

The question was taken, and the Speaker announced that the ayes seemed to have it.

Mr. MANN. Mr. Speaker, I ask for a division.

The House divided and there were—ayes 27, noes 9.

So a call of the House was ordered.

The SPEAKER. The Doorkeeper will close the doors and the Clerk will call the roll.

The roll was called, and the following-named Members failed to answer to their names:

Adair	Boehne	Cantrill	Currier
Ames	Booher	Carlin	Dalzell
Andrus	Bradley	Carter	Danforth
Ansberry	Brantley	Cary	Daugherty
Anthony	Broussard	Catlin	Davenport
Austin	Brown	Clark, Fla.	Davidson
Barchfeld	Browning	Collier	De Forest
Barnhart	Burgess	Conry	Denver
Bartholdt	Burke, Pa.	Copley	Dickson, Miss.
Bartlett	Butler	Covington	Dies
Bates	Byrnes, S. C.	Cox, Ohio	Difenderfer
Bathrick	Calder	Cravens	Dodds
Beall, Tex.	Callaway	Cullopp	Doremus
Beil, Ga.	Campbell	Curley	Draper



Driscoll, M. E.	Hughes, Ga.	Moore, Tex.	Sheppard
Dwight	Hughes, N. J.	Morgan	Sherley
Dyer	Hughes, W. Va.	Morse, Wis.	Sherwood
Ellerbe	Humphreys, Miss.	Mott	Simmons
Fairchild	Jackson	Murdock	Slayden
Farr	Kindred	Murray	Slomp
Ferris	Kinthead, N. J.	Nelson	Smith, J. M. C.
Flood, Va.	Kitchin	Nye	Smith, Saml. W.
Fordney	Konig	Oldfield	Smith, Cal.
Fornes	Kopp	Olmsted	Smith, N. Y.
Foss	Lafean	O'Shaunessy	Sparkman
Gardner, N. J.	Lamb	Page	Stack
Garner	Langham	Palmer	Stanley
Garrett	Langley	Parran	Stephens, Miss.
Gillett	Lawrence	Patten, N. Y.	Suloway
Glass	Lee, Ga.	Patton, Pa.	Sulzer
Goeke	Legare	Payne	Taggart
Goldfogle	Lenroot	Pepper	Talbott, Md.
Graham	Lever	Peters	Talcott, N. Y.
Griest	Lindbergh	Plumley	Taylor, Ala.
Guernsey	Lindsay	Porter	Taylor, Ohio
Hamill	Linthicum	Pou	Thistlewood
Hamilton, Mich.	Lobeck	Powers	Thomas
Hamilton, W. Va.	Longworth	Pray	Tilson
Hamlin	Loud	Prouty	Towner
Hammond	McCall	Pujo	Townsend
Harris	McCoy	Rainey	Tuttle
Harrison, Miss.	McCreary	Randall, Tex.	Vare
Harrison, N. Y.	McGuire, Okla.	Rauch	Vreeland
Hartman	McHenry	Redfield	Warburton
Hay	McKellar	Reyburn	Webb
Hayes	McKenzie	Riordan	Wedemeyer
Heald	McLaughlin	Roberts, Nev.	Whitacre
Helm	Macon	Robinson	White
Henry, Conn.	Maher	Rothermel	Wilder
Henry, Tex.	Martin, S. Dak.	Rucker, Mo.	Wilson, Ill.
Higgins	Mathews	Sabath	Wilson, N.Y.
Hinds	Mays	Saunders	Wood, N. J.
Holland	Mills	Seully	Woods, Iowa
Houston	Mondell	Sells	Young, Mich.
Howard	Moon, Pa.	Shackelford	Young, Tex.
Howell	Moon, Tenn.	Sharp	

The SPEAKER. One hundred and sixty-six Members have answered to their names on this roll call—33 short of a quorum.

#### ADJOURNMENT.

Mr. ALEXANDER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 4 minutes p. m.) the House adjourned until Tuesday, July 23, 1912, at 12 o'clock noon.

#### EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of the Treasury, transmitting copy of communication from the Secretary of Commerce and Labor submitting estimate of appropriation to carry into effect the provisions of H. R. 19403, "An act authorizing the Director of the Census to collect and publish statistics of cotton" (H. Doc. No. 876); to the Committee on Appropriations and ordered to be printed.

2. A letter from the Secretary of the Treasury, transmitting copy of communication from the Attorney General submitting estimate of deficiency in the appropriation for the enforcement of the antitrust laws for the fiscal year 1912 (H. Doc. No. 877); to the Committee on Appropriations and ordered to be printed.

3. A letter from the Secretary of the Treasury, transmitting copy of communication from the Attorney General submitting estimate of deficiency in appropriation for "Salaries, fees, and expenses of marshals, United States courts," for the fiscal year 1912 (H. Doc. No. 878); to the Committee on Appropriations and ordered to be printed.

#### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. UNDERHILL, from the Committee on Public Buildings and Grounds, to which was referred the bill (S. 7012) to permit the construction of a subway and the maintenance of a railroad under the post-office building at or near Park Place, in the city of New York, reported the same without amendment, accompanied by a report (No. 1038), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. ASHBROOK, from the Committee on Public Buildings and Grounds, to which was referred the bill (H. R. 17683) to increase the limit of cost for the post-office building heretofore authorized at Dublin, Ga., reported the same without amendment, accompanied by a report (No. 1039), which said bill and

report were referred to the Committee of the Whole House on the state of the Union.

Mr. BURNETT, from the Committee on Public Buildings and Grounds, to which was referred the bill (S. 3974) to increase the limit of cost of the United States public building at Denver, Colo., reported the same without amendment, accompanied by a report (No. 1040), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. FIELDS, from the Committee on Military Affairs, to which was referred the bill (H. R. 24561) for the transfer of the military reservation of Fort Thomas, Ky., to the Navy Department, reported the same without amendment, accompanied by a report (No. 1037), which said bill and report were referred to the House Calendar.

#### CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were thereupon referred as follows:

A bill (H. R. 4852) granting a pension to Charles A. Lyon; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 5471) granting an increase of pension to Peter W. Fredericks; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 12440) granting an increase of pension to Sarah H. David; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 16697) granting an increase of pension to Mary A. Pfister; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 16746) granting a pension to Thomas Nelson; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 16766) granting a pension to Taylor Asher; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 17159) granting an increase of pension to Luke Hancock; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 17447) granting a pension to Sarah F. Clark; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 18255) granting an increase of pension to Alice W. T. Groesbeck; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 18415) granting a pension to William Hinker; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 25847) granting an increase of pension to Thomas S. Gunn; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

#### PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. KONOP: A bill (H. R. 25876) for the purchase of a site and the erection thereon of a public building at Oconto, Wis.; to the Committee on Public Buildings and Grounds.

By Mr. BORLAND: A bill (H. R. 25877) to provide for furnishing modern, approved, and efficient artificial limbs and apparatus for resection to persons injured in the United States service; to the Committee on Military Affairs.

By Mr. RAKER: A bill (H. R. 25878) granting certain lands for a cemetery to the Fort Bidwell People's Church Association of the town of Fort Bidwell, State of California, and for other purposes; to the Committee on the Public Lands.

By Mr. THISTLEWOOD (by request): A bill (H. R. 25879) to amend the laws relating to patents for designs; to the Committee on Patents.

By Mr. ADAMSON: A bill (H. R. 25880) authorizing the preparation and printing of a national directory of commercial organizations of the United States; to the Committee on Interstate and Foreign Commerce.

By Mr. TAYLOR of Alabama: A bill (H. R. 25881) to authorize the building of a dam across the Coosa River, Ala., at a place suitable to the interests of navigation about 7½ miles above the city of Wetumpka; to the Committee on Interstate and Foreign Commerce.

By Mr. ADAMSON: A bill (H. R. 25882) to authorize the construction of certain dams across various navigable waters of the United States therein specified; to the Committee on Interstate and Foreign Commerce.

By Mr. LEVY: A bill (H. R. 25883) to amend paragraph 709 of section 1 of the act entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes," approved August 5, 1909; to the Committee on Ways and Means.

By Mr. HOWLAND: A bill (H. R. 25884) to establish a uniform preferential primary for all candidates for the Presidency, and for other purposes; to the Committee on Election of President, Vice President, and Representatives in Congress.

#### PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BELL of Georgia: A bill (H. R. 25885) for the relief of Benjamin C. Martin, Ezekiel Martin, Henry C. Fuller, Ezekiel Fuller, Eliza L. Crow, and Elizabeth Martin; to the Committee on the Judiciary.

By Mr. BRADLEY: A bill (H. R. 25886) for the relief of Watson B. Dickerman, administrator of the estate of Charles Backman, deceased; to the Committee on Claims.

By Mr. CALDER: A bill (H. R. 25887) to amend the military record of Hugh Boylan; to the Committee on Military Affairs.

By Mr. CLARK of Florida: A bill (H. R. 25888) granting an increase of pension to John Douglas; to the Committee on Pensions.

Also (by request), a bill (H. R. 25889) granting an increase of pension to Nephi Owen; to the Committee on Invalid Pensions.

By Mr. CLARK of Missouri: A bill (H. R. 25890) granting an increase of pension to Margaret J. Holland; to the Committee on Invalid Pensions.

By Mr. COPLEY: A bill (H. R. 25891) for the relief of James E. C. Covel; to the Committee on Military Affairs.

By Mr. EDWARDS: A bill (H. R. 25892) for the relief of the heirs of M. F. Hagan, deceased; to the Committee on War Claims.

By Mr. GOOD: A bill (H. R. 25893) granting an increase of pension to Thomas R. Irons; to the Committee on Invalid Pensions.

Also, a bill (H. R. 25894) granting an increase of pension to William Syers; to the Committee on Invalid Pensions.

By Mr. HANNA: A bill (H. R. 25895) granting an increase of pension to William J. Dale; to the Committee on Invalid Pensions.

By Mr. KORBLY: A bill (H. R. 25896) for the relief of Samuel D. Kingsbury; to the Committee on Claims.

By Mr. MCCOY: A bill (H. R. 25897) to reinstate Edwin Taylor as a passed assistant surgeon in the United States Navy; to the Committee on Naval Affairs.

By Mr. MARTIN of Colorado: A bill (H. R. 25898) granting an increase of pension to Calvin R. Clark; to the Committee on Invalid Pensions.

By Mr. MORSE of Wisconsin: A bill (H. R. 25899) granting a pension to Kate M. Hale; to the Committee on Invalid Pensions.

By Mr. PICKETT: A bill (H. R. 25900) granting a pension to William Griffin; to the Committee on Invalid Pensions.

By Mr. PROUTY: A bill (H. R. 25901) for the relief of Etta Glenn; to the Committee on Claims.

By Mr. J. M. C. SMITH: A bill (H. R. 25902) granting an increase of pension to Martha Dickinson; to the Committee on Invalid Pensions.

By Mr. SWITZER: A bill (H. R. 25903) granting a pension to Daniel B. Jones; to the Committee on Invalid Pensions.

By Mr. VARE: A bill (H. R. 25904) granting a pension to Margaret McCafferty; to the Committee on Invalid Pensions.

Also, a bill (H. R. 25905) granting a pension to Mary J. Nelms; to the Committee on Invalid Pensions.

#### PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Petition of St. Agatha's Society, No. 373, Hawthorne, Ill., favoring passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

By Mr. AYRES: Resolution of the Southern Baptist Convention, against wearing of sectarian garb, etc., in Indian schools; to the Committee on Indian Affairs.

By Mr. CALDER: Petition of W. O. Conrad, favoring passage of bill relative to pay for National Guard; to the Committee on Military Affairs.

Also, petition of the Pullis Printing Co. and of E. H. Cane, of New York City, against passage of the Bourne parcel-post bill; to the Committee on the Post Office and Post Roads.

Also, petition of the Toledo Produce Exchange, of Toledo, Ohio, relative to law denying shippers an appeal to court; to the Committee on the Judiciary.

Also, petition of the Shorthand Club of New York City, against passage of the Slomp bill (H. R. 4026); to the Committee on the Judiciary.

Also, petition of the St. Augustine Board of Trade, St. Augustine, Fla., favoring bill for using powder-house lot for public park for St. Augustine; to the Committee on the Public Lands.

Also, petition of the Minnesota State Board of Health, Minneapolis, Minn., favoring Senate bill 4972, to establish in Washington a hospital bureau; to the Committee on Interstate and Foreign Commerce.

By Mr. CARY: Petition of Division No. 405, Brotherhood of Locomotive Engineers, Milwaukee, Wis., favoring passage of the Dodds amendment to law with reference to second-class postage; to the Committee on the Post Office and Post Roads.

By Mr. CATLIN: Memorial of citizens of St. Louis, Mo., against passage of the Burton-Littleton bill, for celebration of 100 years of peace with England; to the Committee on Foreign Affairs.

By Mr. CLARK of Florida: Papers to accompany bill granting an increase of pension to Nephu Owen; to the Committee on Invalid Pensions.

By Mr. CRAGO: Memorial of the Hebrew Veterans of the War with Spain, of New York City, against passage of the Root amendment to the immigration bill; to the Committee on Immigration and Naturalization.

Also, memorial of St. Joseph's Society, No. 387, of Orient, and St. Kazmir Society, No. 380, of Windber, Pa., against passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

Also, memorial of Greensboro Council, No. 355, of Greensboro, Pa., favoring passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

Also, petition of Division No. 175, Order of Railway Conductors, of Memphis, Tenn., against passage of employers' liability act, etc.; to the Committee on the Judiciary.

Also, petition of the Daughters of Liberty, of Philadelphia, Pa., favoring passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. DICKSON of Mississippi: Petition of citizens of Claiborne County, Miss., favoring passage of the Kenyon-Shepard interstate-liquor bill; to the Committee on the Judiciary.

By Mr. FURNES: Petition of the Simpson-Crawford Co., the Allied Printing Trades Council, and the Fourteenth Street Store, all of New York, protesting against the passage of Senate bill 6850, providing for a parcel-post; to the Committee on the Post Office and Post Roads.

Also, petition of the Washington Chamber of Commerce, Washington, D. C., urging immediate action on all legislation affecting the District of Columbia; to the Committee on the District of Columbia.

By Mr. FOSTER: Petition of citizens of Hutsonville, Salem, and Olney, Ill., favoring passage of Senate bill 5461; to the Committee on the District of Columbia.

By Mr. FULLER: Memorial of the St. Augustine Board of Trade, of St. Augustine, Fla., favoring passage of bill providing that what is known as powder-house lot be turned over to the city of St. Augustine as a public park; to the Committee on the Public Lands.

By Mr. KINDRED: Petitions of the Simpson-Crawford Co. and the Fourteenth Street Store, of New York City, against passage of the Bourne bill (S. 6885), providing a parcel-post system; to the Committee on the Post Office and Post Roads.

Also, petition of the Bamberger-Stern Co., of New York City, favoring passage of Senate joint resolution 3, providing for the preservation of Niagara Falls; to the Committee on Foreign Affairs.

By Mr. KORBLY: Petition of the United Brotherhood of Leather Workers, Branch No. 35, of Indianapolis, Ind., against use of the stop watch for Government employees; to the Committee on the Judiciary.

Also, petition of the Order of Railway Conductors of America, Monument Division, No. 598, Indianapolis, Ind., relative to extension of time to consider employees' compensation act; to the Committee on the Judiciary.

Also, petitions of the Order of Railway Conductors of America, Monument Division, No. 598, of Indianapolis, Ind., and the



E. D.

Brotherhood of Locomotive Engineers, of Cleveland, Ohio, favoring passage of workmen's compensation act; to the Committee on the Judiciary.

Also, petitions of the Order of Railway Conductors, of Memphis, Tenn.; the Brotherhood of Locomotive Firemen and Engineers, of Peru, Ind.; and the advisory board of the relief department of the Pennsylvania Line, West, against passage of the workmen's compensation act; to the Committee on the Judiciary.

Also, petition of the National Jewelers' Board of Trade, of New York City, relative to maintenance of prices of patent goods; to the Committee on Patents.

Also, petition of the Waverley Co., of Indianapolis, Ind., favoring passage of bills for improvement of foreign service; to the Committee on Foreign Affairs.

Also, petition of citizens of Indianapolis, Ind., against passage of the Burton-Littleton bill, for celebration of 100 years of peace with England; to the Committee on Foreign Affairs.

Also, memorial of the Polish societies of the State of Indiana, against passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

Also, memorial of the Patriotic Order of Sons of America, favoring passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

Also, petition of citizens of the State of Indiana, favoring passage of bill providing for building of one battleship in a Government navy yard; to the Committee on Naval Affairs.

Also, memorial of the Indiana State Health Officers' Conference, favoring passage of the Owen bill relative to national board of health; to the Committee on Interstate and Foreign Commerce.

By Mr. SCULLY: Memorial of the German-American Alliance, Middlesex County, at New Brunswick, N. J., against passage of the Burton-Littleton bill providing celebration of 100 years of peace with England; to the Committee on Foreign Affairs.

Also, petition of the Daughters of Liberty of Tuckerton, N. J., against passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. SULZER: Petition of New York Typographical Union, No. 6, against passage of parts of the Bourne parcel-post bill; to the Committee on the Post Office and Post Roads.

Also, petition of the Farmers and Taxpayers Association of New York City, favoring passage of a parcel-post bill; to the Committee on the Post Office and Post Roads.

Also, petition of the Otis Elevator Co., of New York City, relative to a commission for consideration of changes in patent laws; to the Committee on Patents.

By Mr. UNDERHILL: Petitions of citizens of the State of New York, favoring passage of bills regulating express rates, etc.; to the Committee on Interstate and Foreign Commerce.

By Mr. WILLIS: Papers to accompany House bill 18320, granting a pension to Richard M. Johnson; to the Committee on Invalid Pensions.